

PROPOSED MARINE BY-LAW

Serial No.	Submission	Response
1	<p>Kingborough Council is not the only agency controlling marine facilities within Kingborough. M.A.S.T. also has a say, on those facilities under its control. Also, just over the Boundaries, both Huon Council and Hobart City Council have their own regulatory frameworks. So for the boating fraternity of Kingborough/Huon there are at least four sets of regulations to be aware of. When a boater decides to go out on the water, they should check on the weather forecasts to help decide on their proposed launching place and place of boating activity - water-skiing, fishing, photography, scuba diving etc. To have four sets of regs, each with their own variation is not very helpful. Yet a boatee from Nieka might well decide to go to Long Point, Dru Point, Great Bay, Port Huon or Cygnet for their activity. Each under the control of a different authority. Therefore, in drafting new regs, the draftee should in the first place put up those regs of the other authorities for comparison. The draftee should then wherever possible use the same language, layout, monetary penalties and standards as the other authorities. Of course there would be exceptions and local requirements, but these can be highlighted. Once drafted and approved, the new regs/by-laws should be posted with the advice that they are similar/same as those adopted by the other Authorities acting in the geographical region. Then, the boater/user of the facility can be reasonably sure that they can learn the rules and obey them. Should there be particular differences then those differences should be sign-posted at that locality. In learning one lot of regs and understanding them, then the user will know the other sets as well. When publicising the regs, at any time, Council would be best advised to quote the singularity of purpose and parallel sets of regs, to assure the reader of the ease to adhere to the rules wherever they may venture. Nothing confuses a situation more than having one set of rules for one side of a river or one jetty, and another set for the other side of the river or the next jetty, particularly if there is an unexpected change in the weather. If there are wide-spread changes needed to be made, then let M.A.S.T. take the lead. Even if the change is specifically local, advise M.A.S.T. first, so that the "news" of the change has best chance of getting out via the various boating APPS on-line. The use of APPS via a computer, smart-phone etc. is becoming the norm in seeking out local conditions and facilities for the boating community.</p>	<p>The By-law is only relevant to Council owned or controlled marine infrastructure. The By-law was referred to MAST for comment within the consultation process in accordance with the RIS.</p>
2	<p>Allow c.19(1) to have a daily fee for permit.</p>	<p>Amendment made.</p>

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1	<p>From the perspective of CBOS, the following suggested changes are provided for consideration. In the Health and Environmental Services By-Lay 2021, you could consider changing the definition of builder and building work by referring to the Building Act 2016 rather than a copy of those definitions. That way if the definitions are amended in the Act for some reason, the definitions would remain consistent without having to change the by-law again. In the Roads and Parking By-Law No 4 of 2021, you could consider the following changes:</p> <ul style="list-style-type: none"> • Add a new 11(2A) along the lines of 11(2), but to allow the owner of the premise associated with the nature strip to allow a visitor to, or tradesman working at, the premise to park on that nature strip • Add a new 20(4) similar to 20(3) along the lines of allowing builders and trades to display temporary signs associated with safe work practices while performing work at a premises. 	Amendment made to c.3 as per advised by CBOS.
2	<p>I am deeply concerned at the omission of any protection of trees under the proposed new Health and Environment BY Laws. Under Part 7, Clause 25 of the present By Laws, tress on private property over a certain size and height may not be cut down, lopped, etc without the express permission of Council and that, if permission is given, an environmental offset may be required to be paid. This, at least, provides some protection for trees, particularly old and beautiful ones. Protecting trees provides protection for native birds and animals as well as enhancing the place we live in. Under the proposed changes, what protection will there be? There is more than enough destruction of the environment going on in the municipality as it is due to the ever-growing building and accompanying infrastructure. At least with the retention of Part7, Clause 25 relating to the protection of trees on private land, there is some power to halt the removal of trees of significance. I want the present Part 7, Clause 25 to be retained.</p>	Noted
3	<p>I am concerned about the proposed REMOVAL of Part 7: Trees on Private Property from the Environmental By-Law in the upcoming Kingborough by-law review. I find this shocking and very concerning. I urge you to please keep Part 7 as is to prohibit developers from damaging high conservation value trees without a permit.</p>	Noted
4	<p>I wish to object to the proposed changes to the Kingsborough By-Law Part 7 regarding the removal of trees on private property. Are we being governed by developers these days? We live in Kingborough because of its beauty and character, trees are a big part of that. Councillors, it's time to slow down on what everyone can see is this far too rapid development within Kingborough, show courage and stand up to the Tasmanian</p>	Noted

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	<p>Planning Commission's overriding demands. Children in the future are going to be surrounded by concrete, you are our last hope to give them the opportunity to enjoy seeing and living amongst trees, trees need to be protected.</p>	
<p style="text-align: center;">5</p>	<p>I wish to register my comments via this submission in relation to the proposed by-law changes in particular regarding the removal of Part 7 - Trees on Private Property I would be very saddened and distressed if this part of the by-law was removed. Particularly after the removal of some very significant "high conservation value trees" that were removed in the creation of the Spring Farm subdivision. It would be reckless and careless for this Part 7 to be removed from the by laws. Therefore I register my disagreement to the removal of this by-law and my disappointment in the removal of this bylaw even being considered. The detrimental significance of the loss of these trees can not even begin to be measured as the impact of the removal won't be known for generations to come.</p>	<p>Noted</p>
<p style="text-align: center;">6</p>	<p>Almost every resident I've spoken with since moving to Kingborough 2 years ago has shared with me that they value the beauty and biodiversity provided by the beautiful trees in our neighbourhoods, towns, hills and landscape of our municipality. I urge you to strengthen rather than loosen the by-law relating to trees over 80cm in diameter. The current laws have already been taken advantage of by developers simply felling trees and paying the requisite fines as part of their business model. Mature and semi-mature trees hold much greater social, environmental and even commercial value (as bringing higher subjective property values) than currently considered by council arrangements. Their value needs to be raised, not lowered in a climate and carbon constrained future. Please look ahead and see this. Our region's beauty and attractiveness to investors, tourists and business people is in part because of our big trees; not because of clear felled allotments. Our Council has been one of the few in Tasmania to protect biodiversity and we should not take a backwards step! We need more protection for nature, for our natural landscapes and for the wildlife that makes our region so special. Please vote against removing part 7 of the by-law and subsequently move a motion to strengthen the provisions so that big trees are valued more rather than less.</p>	<p>Noted</p>
<p style="text-align: center;">7</p>	<p>I strongly oppose the complete removal of Section 7 in the Kingborough environment by law. It would give anybody the right to remove any tree on their property without consultation.</p>	<p>Noted</p>
<p style="text-align: center;">8</p>	<p>I am writing to add my voice of concern re proposed changes to the Environment by law part 7 clause 25 - Tree protection. Please do not remove this by law. It is a protection against significant trees being removed</p>	<p>Noted</p>

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	<p>without care or consideration. I have had my own tree considered in this way. It was a large gum tree and it was dying. It clearly needed to come down for safety as it is only about 20 feet from my house and was about 60 feet tall. But it was dying. If it was not dying it should not have been removed. But it was and the council lady who inspected it gave me written permission to have it removed. In the end I just had the dangerous limbs removed and it remains as a trunk that the birds love to sit on. Although this has little to do with keeping the by law, I included it to let you know I have followed due process when it was called for. I was treated well and logically and the dangerous parts of the tree were removed. I was happy to go through the process as the by law is sensible and needed to protect our environment. Please do not let open slather tree removal happen in Kingborough. As a council continue to be involved and continue to make decisions that are sensible and safe and protective. Attachments:</p> <ol style="list-style-type: none"> 1. The tree that was lopped is to the right and looks magnificent even still in death as a silhouette against this sunset. 2. The trunk against a vivid blue sky 3. And the black cockies love to perch on it 	
<p style="text-align: center;">9</p>	<p>I wish to make a submission regarding the proposal to remove Part 7: Trees on Private Property from the Environment By-Law. My first concern relates to the reason for proposing to remove Part 7 from the Environment By-Law in the first place. The reason given for the amendment is that the removal of trees on private property is governed via the Kingborough Interim Planning Scheme 2015 (except where exempt). It would be helpful if Council were to point specifically to the particular section in the Interim Planning Scheme that is proposed to govern the removal of trees on private property. Could you please provide me with this information. My second concern relates to the relationship between the existing Part 7 and Council's Significant Tree Register. Part 7 makes it an offence (amongst other things) to "cut down, top, lop, remove, ringbark, injure or wilfully destroy any tree that is listed on a register of significant trees applicable to the municipal area, unless authorised by a permit to do so." What happens in the unfortunate situation that Part 7 is removed? Currently there is a detailed community engagement and consultation process required to add or remove a tree from the Register. Is it the case that the particular section in the Interim Planning Scheme that it is intended to replace Part 7 has the same obligations?</p>	<p>Noted. Information provided.</p>
<p style="text-align: center;">10</p>	<p>While some of the currently strict rules around tree removal could be reviewed, ie. where folks planted native trees and they grew a LOT more than the plant label suggested or where they negatively impact other</p>	<p>Noted</p>

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	<p>values, gardens etc (which currently would not provide a valid reason to remove, but is VERY logical in the specific circumstances). Also the assessment process is too complex and too expensive at the moment. I have witnessed too many residents/owners in KB council area removing their trees... When it was mass removal and I would have the opportunity to check with KB Council for them to check if the tree removal had been assessed/approved, I was ALWAYS!!! told that neither an approval had been sought and that the parties involved were known to council... but there was nothing council could do to prevent them. --> Wouldn't this be a reason to KEEP the current by-law and to revise to strengthen it, while allowing consideration of individual circumstances? There has been lots of chat on local FB page about this... and I won't be surprised that we will see lots of tree felling soon (not at industrial scale... but significant). As a climate scientist I can advise that clearing vegetation especially trees without replanting will give rise to increased global warming. Is that a responsibility KB Council is willing to carry? --> DO NOT REMOVE the Tree By-Law. Review and update it to make it contemporary and valid!</p>	
11	<p>I am writing to tell you that I STRONGLY OBJECT to Part 7, Clause 25 being removed from the original by-laws. I object to trees and tree protection being taken out of the laws. When developers clear the trees, ready for developing, in my opinion it is a scar on the landscape.</p>	Noted
12	<p>It had come to my attention that Kingborough council proposes to remove: part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. I think this is a backwards step and I fail to see any reason why this is necessary. I reject the proposal as this is a huge concern for our environment and endangered species!</p>	Noted
13	<p>I write to let you all know I am saddened and deeply disheartened by the proposal to remove environmental by-law 7. Many of us don't understand the need for this by-law and interpret it as an annoying restriction on our right to use our own land as we wish to. I rely, however, on my community leaders to make informed decisions that protect and advantage my whole community in the long term. I expect this even though some decisions may irritate or even disadvantage certain individuals such as those fortunate enough to own their own homes or those wealthy and capable enough to benefit from land development. Sometimes trees need to be removed or replaced with more suitable species. I only wish this be done with informed assessment by qualified experts who consider the health and wellbeing of the whole community as well as the land owner's. I did not even know by-law 7 existed until I had to rearrange my own plans</p>	Noted

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	<p>because of it. It was frustrating at the time but I now understand how significant even one established tree can be to the current and future health and safety of Kingborough. Humans actually need biodiversity as much as any tree-dwelling creature we may impact. I do not believe that unregulated and uninformed removal of trees will help us manage and survive future bushfire, flood, refugee influx, pandemics and so on. I feel very suspicious that the proposed removal of by-law 7 is a response to lobbying by developers and individual homeowners seeking to increase their personal convenience, financial outcomes, economic gain and personal benefit. Rarely would you hear of a land owner removing trees to open up a sunny aspect, a water view or provide a bird habitat solely for the benefit of their neighbour. Please vote to retain by-law 7. Please work to increase the functionality of by-law 7 by educating the community you represent about why it matters as well as how it works to everyone's benefit.</p>	
14	<p>I would like to request that we keep this by-law which enables the Council to protect trees.</p>	Noted
15	<p>I would like to request 3 copies of kingborough by law changes 1 and 2. To be sent to my address Redacted After reading these document there are items that I consider need rectifying or changing or more explanation is needed Once I obtain copies of the requested document I can mark and explain my concerns and send back to council for discussion The comments about trouble and adverse behaviour at Kinston park and more patrols and action is good to hear ,pity other areas of bad behaviour around Kingston isn't included in an action plan to control these issues as well.</p>	Noted. Information provided.
16	<p>I am writing to voice my deep concern about Council's proposition to removal of Part 7 of the Environment By-Law.It is disturbing that such a proposal would be put to the table as an option to begin with. For those working in Council who talk about helping the people of community it seems so far contradictory to be allowing such destruction of nature be occurring, when significance of trees and wildlife is fundamental to one's health and well-being.As a resident Kingborough I would appreciate confirmation that my objection has been considered and would like to ask who on the council was it that proposed this in the first place?</p>	Noted
17	<p>I am writing to express my concern over proposed changes to By Law 7. As climate change becomes more severe world wide we should be protecting our trees & environment even more not making life easy for developers. I would like to see the regulations strengthened and fines for illegal tree removal increased. Also a higher environmental levy could be imposed for applications to remove trees when factors such as disease</p>	Noted

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	or dangerous trees apply. This would ensure that more trees are planted for future generations & wildlife habitat management. I hope you vote to retain this very important By Law.	
18	Regarding the Change to the Environmental by Law. Please reject the Removal of Part 7 Clause 25 of the Environmental By-Law. - we need to encourage tree planting and care for the Environment not destruction	Noted
19	<p>I strongly oppose any weakening of tree protections in the Kingborough Council Bi-laws or any other council policy. As a landscape architect who is extremely concerned about the enormous loss of endemic and non endemic vegetation in the area, we need to be planting more trees not allowing them to be cut down. The reasons are multifold</p> <ul style="list-style-type: none"> • trees are extremely important for shade and human comfort in the hotter months particularly in urban environments • Trees are a part of our cultural landscapes and carry with them stories of place and culture • trees provide habitat to thousands of species including our endangered species such as the Swift Parrot and Forty Spotted Pardelotes • trees are our life producing oxygen and purifying our air • trees sequester carbon and help to mitigate the effects of climate change which if we cut down more trees this will only make climate change worse for our grandchildren <p>These are just a few of the countless reasons why we need more of them not less. Trees need to be cared for and valued more, which also needs to be included in the review of the Kingborough Biodiversity Offset Scheme where trees are undervalued. With over 1million Dollars having been paid into the offset fund due to tree destruction I would like to see where the council has used this money to offset the removal of these trees. Can you please advise as to where I can get this information? The Biodiversity Offset policy itself says that this information needs to be transparent and available to scrutiny. If farmers are pushing for the free reign to cut down trees on their property Kingborough Council would be better serving these landowners with a proper carbon offset scheme where farmers/landholders can be paid to keep their trees. ALLOWING TREES TO BE CUT DOWN IS A BACKWARDS STEP. I strongly urge you to reject this proposal and in its place encourage you to strengthen tree protections instead.</p>	Noted
20	I wish to express my concern about the proposed removal of part 7 of the environment by-law. Our trees in our community need our protection please DO NOT remove this law. Removal could result in the removal of some high conservation value trees, as well as habitat removal for some of our endangered birds eg the	Noted

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	<p>swift parrot and the Masked owl. The existence of this important law is to protect our local environment please keep our trees safe.</p>	
<p>21</p>	<p>I have just read about the proposal to remove Part 7 of the Kingborough Council Environmental By-Law, which governs the removal of high conservation value trees and trees on the significant tree register. I have lived in Taroona for the past 13 years and one of the reasons I was attracted to rent then buy in the area was its large gardens and trees, and bushland surrounds. Our house is the last street before bushland and we are not far from Truganini Reserve. There are several large blue gums we can see from our house, including one that protrudes into our garden from a neighbour's yard. I am concerned that if specific protections for those blue gums are removed then the local birdlife will suffer. I am a volunteer surveyor for Birdlife Australia which involves conducting 20-minute surveys in my backyard at different times of the year. More recently I have taken on more frequent surveys, adding to the understanding of how species distribution is changing across the country. The big blue gums are important trees for many bird species, not only as a food source but as a roosting and socialising area. In the blue gums near my garden I have seen currawongs, ravens, green rosellas, eastern rosellas, sulphur-crested cockatoos, yellow tailed cockatoos (just this morning, a flock of ten!) bronzewings, brown thornbills, golden whistlers, grey fantails, yellow-throated honeyeaters and silvereyes, just to name the ones that immediately come to mind. Not only do birds use these trees to feed but they are an important resting and viewing spot where they are high up out of danger but able to hide among the leaves if they are smaller and more vulnerable. These trees help birds to venture out of the nearby bushland areas and reserves to feed in surrounding gardens. I am a landowner who has purposely changed the composition of plants in my garden to attract native species. The flock of yellow-tailed cockatoos stopped by my garden this morning because I have planted a native bottle-brush they like eating. They typically snap of a flower head then fly up to the blue gum or nearby casuarinas to eat it, away from danger on the ground.</p> <p>I love having so many birds of different species around my property. If these trees were easier to remove then my enjoyment of the area would be much diminished, as well as having a detrimental impact on the natural values of the area. While Taroona is a lovely place to live because of the large trees, Kingborough is also home to other important reserves and bushland areas that birds rely on. Tinderbox and Bruny Island in particular are known as homes for endangered and critically endangered species such as the swift parrot and forty-spotted pardalote. Ensuring those areas are surrounded by residential and rural properties that</p>	<p>Noted</p>

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	protect habitat trees, may help to protect the range of birds that rely on bushland areas. I strongly disagree with weakening protection for high-conservation value trees in the municipality and don't support the council removing Part 7 of the Environmental By-Law.	
22	As a candidate standing for Councillor in this current Kingborough Council by-election, I would like to represent several Kingborough residents who have voiced their concerns regarding the possible changes in the Health and Environmental Services By-law No.2 of 2021, and particularly the intention to remove Part 7 that currently protects trees on private property. Our environment must be protected appropriately as Kingborough continues to grow in population. Our biodiversity needs to be considered a priority in land development planning, and appropriate legislation is the tool to enforce compliance to reduce any potential net loss of our carbon sink (i.e., tree removal). I am aware the LGAs work under the state's interim planning scheme and under a 'final' planning scheme I believe it is likely there will not be sufficient protection of vegetation on private property, and that this will cause a detrimental effect on our environment. Therefore, Kingborough Council should be urged NOT to remove Part 7 of the Health and Environmental Services By-law No.2 of 2021.	Noted
23	I would like to object to the removal of part 7 of the Environmental By-Law concerning the protection of significant trees. I think that everyone needs to apply to have trees removed but if safety is involved the decisions need to be fast tracked and permit costs waived. If it is for development then full costs should be applied and as many mature trees as possible retained. Then we do not end up with a clear felled patch like Spring Farm.	Noted
24	I wish to express my opposition to the proposed revision of Part 7 of Environment By Law concerning removal of significant species or trees over 80 cm in diameter. As a covenanted landholder and biologist, this is a backward move in preserving our unique environment. These trees are an important part of our landscape for both environmental and visual amenity and there are adequate provisions in place where removal may be necessary for safety etc.	Noted
25	I am writing regarding the proposed by-law changes to part 7 of the Environmental By-Law. I would like to request that part 7 of the Environmental By-Law be retained to protect high value conservation trees. This proposed change seems like a backwards step and counterproductive. The value of trees in dollar terms, as well as value to mental health, livability and ecosystem services are widely noted by academics and urban	Noted

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	<p>planners around the world. Trees have multiple benefits for people and places. as evidenced in the following links: https://theconversation.com/urban-greening-can-save-species-cool-warming-cities-and-make-us-happy-116000 Trees also benefit mental health, which is of particular importance in these difficult times and with potential lockdowns it just highlights the need for people to be able to access green spaces near to them https://theconversation.com/increasing-tree-cover-may-be-like-a-superfood-for-community-mental-health-119930. Trees also increase values for people in places and can be a huge benefit to developers and businesses. https://theconversation.com/trees-can-add-50-000-value-to-a-sydney-house-so-you-might-want-to-put-down-that-chainsaw-122710. This study of trees and development in Melbourne highlights some lessons to be learned by other places...https://theconversation.com/thousands-of-city-trees-have-been-lost-to-development-when-we-need-them-more-than-ever-132356 It seems Ludacris then that this by-law change should even be proposed, given that these are literally 'high conservation' trees that deserve and need protection, for the myriad of benefits they afford our community, economy, and environment. Instead, the council should be implementing an urban forest strategy like most forward-thinking councils in Australia and local governments internationally to promote and enhance our protections and to communicate the value of these trees to the community so proposals like this can be easily seen for what they are, a quick, slap-dash approach to reduce short-term costs for developers at the expense of everyone else over short, medium and long-term projections. I urge the council to retain protections for high-conservation trees in our municipality for the benefit of our economic, environmental and social futures. We need long-term vision benefiting the many, not short-term opportunism benefiting the few.</p>	
26	<p>It has come to my attention that there has been a proposal to change Part 7 of the Environment By-Law. The law I refer to protects valuable trees from developers and individuals from destroying trees. This is appalling that it would even be considered. We have already lost so much valuable habitat in the last few years, due to development. There are always people looking to cut old and valuable trees for no good reason. Call me cynical but these changes seem to have been introduced under the cover of an election,</p>	Noted

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	hoping people who care about the environment would not hear of the changes. Maybe there are developers pushing for this ? Do not pass laws which allow the destruction of habitat and our environment!	
27	I wish to express my concern at the proposed removal of by-law 7. Our native vegetation and high conservation value trees are under enough threat already, without removing the protection which is currently afforded them. I am hoping you will find your way around this problem.	Noted
28	I understand a resolution is to be discussed this Monday evening regarding this issue. I say NO. Please NO. Do not remove part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. The old trees are not only part of our heritage. They are vital to our survival on this planet. They provide vital stability, ongoing enrichment to the soil, vital habitat and nesting, breeding grounds for so many of our dwindling avian and tree climbing friends. And the myriad insects who are vital in keeping what's left of our natural ecosystem viable. Please do not cave into short term urban developers. I have no idea why this short sighted proposal is on the table. But I ask you to vote against it.	Noted
29	I have been made aware that Council can in fact retain the above by-law so we urge you to do so. Green space and trees need to be protected from developers; they are part of the essential character of Kingborough. Do not let us down! Please ensure By-Law 7 is not removed.	Noted
30	I would like the Council to reject the removal of Part 7 of the Environment By-law with regard to trees of significance particularly.	Noted
31	Please accept my brief submission regarding the proposed change to remove 'Part 7: Trees on Private Property' from Kingborough Council Environmental By-Law. Strong laws and corresponding regulations (permits) need to exist to prevent high conservation value trees and trees on the significant tree register from being damaged or lost altogether. As a Tarooma resident, I have witnessed neighbours cut down mature, healthy gums to 'improve' their views, i.e. have no trees framing their view or other inadequate reasons. These mature gums were the favoured perches of the endangered Grey Goshawk and endangered Masked Owl. Private owners also removed a tree where I photographed a Wedge-tailed Eagle—a stopover point on the hill. Many residents have little knowledge of the type or value of trees on their land. Consequently, weakened laws could easily see a more significant loss of high-value conservation trees such as Blue gums or those providing much needed hollows. We have over thirty trees surrounding our house.	Noted

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	<p>Without 'Part 7', a new owner may see fit to clear the land or reduce the number of trees (as private owners could easily provide many 'reasons/justifications). Loss of this habitat would impact a wide range of species that live on or visit the habitat. It is part of a mosaic or natural wildlife corridor that exists in the area. The current new development has seen the loss of more trees in the area. Clearing will, undoubtedly, continue. We need strong laws and regulations concerning the protection of trees, not weaker ones. The biodiversity and beauty of Kingborough need to be protected—it cannot be left in the hands of potentially ignorant and self-interested individuals. The current context of development makes this more pertinent than ever. Please do not remove 'Part 7' from the existing by-law.</p>	
<p>32</p>	<p>As someone who lives in and loves Kingborough I am greatly concerned at moves by the Kingborough Council to weaken environmental protections for our big old native trees and trees on the significant tree register by removing Part 7: Trees on Private Property from the Kingborough Council Environmental By-Law. I strongly urge you to not remove Part 7 from the environmental By-Law. At a time when cities around the world are trying to increase tree cover to help people and nature cope with increasing temperatures under climate change and to provide much-needed habitat for wildlife it is so important that Kingborough Council continues to be a champion of protecting our local biodiversity. Protecting our big old native trees with their tree hollows is critical to this work. I applaud the council for releasing its excellent brochure “Tree Hollows – a home to suit every need”, which details the importance of tree hollows in the landscape. Clearly, environmental officers at Kingborough Council understand the incredible importance of large native trees in the landscape. They provide much-needed habitat for species such as the critically endangered swift parrot, and on Bruny Island they are critical to the survival of the forty-spotted pardalote, which is at great risk of extinction. Your brochure contains excellent information on the importance of retaining large native trees in the landscape, both on public and private land, including:</p> <ul style="list-style-type: none"> · Tree hollows are holes or cavities in tree branches or trunks that many animals rely on for shelter and breeding. Hollows take many years to form – the best hollow-bearing trees are over 150 years old. · Many animals cannot survive without hollows, yet good hollows are rare. Everyone can help by learning what they are and how to protect them. · In Tasmania, over 42 animal species rely on hollows, including five possums, about 29 birds and eight bat species. There are also many insects that make their homes in hollows, including some native bees. · Research suggests that there are more species using hollows in the drier forests of eastern Tasmania than in the wetter forests to the west. This means that the areas where more people live, collect firewood and go 	<p>Noted</p>

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	<p>on holiday are also more important for hollow dwelling animals.</p> <ul style="list-style-type: none"> · As trees age their form changes and with this their potential for developing hollows and providing other habitat. A mature tree can have many habitat values including good foraging material (food), protection from predators, shelter from the elements, and good breeding habitat in the form of nest sites and hollows. <p>I look forward to your response and sincerely hope the council repeals the proposal to weaken its own nature protection by-laws.</p>	
33	<p>As a property owner in Kingborough, I want to object to the removal of the current by-law protecting trees on private land over 80cm in diameter or significant species. There are a myriad of reasons large trees are of benefit our environment. Over the past 20 years researchers have learned that trees in urban areas improve air quality, conserve energy, reduce storm water runoff, increase property values, attract businesses, reduce stress, increase healing, and decrease crime. More recently, researchers at the Center for Urban Forest Research have been able to place a dollar value on some of these benefits, such as storm water runoff, air quality, and energy conservation. And that is not going into the benefits to local wildlife. Our lives are richer when you can see and hear bird life. Please do not remove this important by-law.</p>	Noted
34	<p>I understand that Kingborough Councils proposes to remove part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. I strongly oppose this. One of the most compelling reasons for living here is the fact that there are so many beautiful trees. I appreciate that where for example pine trees create a hazard for roads and power lines that these need to be removed. I hope the Council re-consider this proposal.</p>	Noted
35	<p>I strongly urge Council to retain Part 7 of the Bylaws to ensure the continued protection (at least to the extent that it currently does) of our significant trees; for the sake of the trees themselves, the habitat they provide and their importance to a liveable landscape. This is particularly important when the landscape generally is being eroded by development and associated infrastructure Let us preserve these important trees for all our sakes .</p>	Noted
36	<p>I don't agree with removing the part 7 of the Environment By-Law. It's very important to protect trees on private land in the future.</p>	Noted

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37	I am writing to object to the proposal to change part 7 of the Environment By-Law. This makes no sense. Kingborough must preserve the tree canopy not make it easier to decimate it.	Noted
38	<p>I write to add my name to the list of residents who are deeply concerned about the proposal to remove Part 7 of the Environmental By-Law that relates to the protection of significant and large trees on private land. This is a disturbing proposal and should not be accepted because:</p> <ul style="list-style-type: none"> • the Council has the responsibility for 'looking after' the municipality in total, which means looking after the ambiance of the district for all residents of the district, as well as care for the infrastructure and services • Trees soften and enhance suburban vistas, • trees help control ground water, provide shade, and clean toxic road related chemicals from the air, • trees are vital for our environment particularly for the care and protection of wildlife as well as the pleasure of those living in this attractive municipality. • Council should retain the ultimate say as to whether trees should be retained, for the common good. Kingborough must not be turned into a high density dormitory suburb. Landowners should be made responsible for the care and attention of the large trees on their property as part of the vital stewardship of owning land. Get-rich-quick developers who purchase land to erect high density unit living need to be controlled. Owning land with significant trees has responsibilities. Kingborough has disturbing storm water problems as so many properties now have been over-developed. Roofs and concrete driveways cover the largest percentage of many blocks with little or no provision to soak up storm water. Excess storm water is polluting our river and beaches. I am fully opposed to the removal of Part 7 of the Environmental By-Law. 	Noted
39	I strongly reject to the removal of By-Law 7. It will result in unnecessary removal of trees on private property.	Noted
40	I am concerned at the proposal to remove current protections for trees in Kingborough, such as the protections of large habitat trees and trees listed on the significant tree register. That would be a backward step and I am concerned such changes could become common across the state, if local residents are not informed, and don't speak up. Like so many Tasmanian communities, Kingborough is a beautiful, vibrant place that is highly valued for its natural surroundings. There is huge development of housing and infrastructure going on there. Changing the by-laws protecting trees will have a negative effect on the	Noted

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	biodiversity of the area and be to the detriment of the delightful rural ambiance which makes Tasmania such a special place.	
41	The proposal to remove part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species is a backward step for our Council to take. Please consider our environment and endangered species and reject this proposal for the benefit of our lives and future generations.	Noted
42	Fifty years ago we arrived from Melbourne and chose to live in GREEN Kingborough, encouraged by council attitude to maintaining trees in the municipality as an amenity! Please do not change the by-law that makes the line very fuzzy and open to personal interpretation and most probably the indiscriminate cutting of the environment that makes this municipality the envy of all here in Tasmania. Continue to be a leader please!	Noted
43	I have received advice that council is considering removing important tree protection from the Blackmans Bay Community Association Inc (BBCA) and I wish to express my concern. I gather council believes the change is required based upon legal advice that the regulation of the removal of vegetation lies with the planning scheme, not the by-law. I'm also advised by BBCA that independent legal advice is to the contrary of council's legal advice and that BBCA will make a submission opposing the change which I wish to support with my own view on tree protection below. Most of my life was in Sydney until 12 years ago when I permanently moved to Tasmania. A good portion of that Sydney time was in the Sutherland Shire. There, they placed much importance on preserving trees. Strick guidelines and penalties existed. For developers, bonds were required to be paid for trees prior to development commencing and afterwards would be refunded provided the tree(s) were safe, intact and unlikely to be threatened by the development works. The bonds paid were significant, ie in the thousands of dollars. Obviously, I'm out of circulation and don't know if this arrangement still exists. Regardless, I think it was a great idea and something I'd like to see adopted in Tasmania and more locally in Kingborough.	Noted
44	I write to express my dismay at the proposed removal of Section 7 from the current Environment Bylaw. Over recent years, many of the big trees have been removed from the area surrounding Oxleys Road in Kettering despite the Section 7. If this is Section is no longer in the bylaws, then I believe it will be "open slather" for all our valued and significant big trees. Once they're gone, our environment will be the poorer. Please reject removal of this bylaw.	Noted

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45	<p>I am emailing in regard to this proposal and am extremely disappointed in the Kingborough Council to even consider this at a time when trees and bushland are being removed at a considerable rate by developers. You think its a good idea to let them bully and manipulate Council to push their own agenda (this is what it seems like) and to not pay also to off set the huge loss of significant trees protected or not. Our wildlife and endangered species are struggling already, if anything the protection Laws should be tougher on these wealthy people. Conservation groups work so hard to offset already depleting habitats and Council have a duty of care to support and protect the wildlife left. Developers have already gotten away with alot in the building industry, building what they want as many as they want and how they want, making Kingborough an eyesore, by high density living and removing trees and gardens from once lovely backyards. Our rural areas need protection from land owners too, if it were not for council intervention a number of nearby neighbours would have continued on a chainsaw spree but not before a quite a number were removed already. These people were ignorant of the protection laws so it would be a great idea to inform new landholders of these laws when they take over new properties. If rural areas are not protected this gives land owners rights to clear huge bushland areas which would be devastating to Tinderbox, Margate Snug and skylines. Trees, as you know are the lungs of the earth and aesthetically needed in all places especially suburbs for mental well-being and health. So please don't be bullied into a very bad outcome, the future, the environment need you to protect it.</p>	Noted
46	<p>I would like to please ask the council to retain protections for high value conservation trees. I do not want to see Part 7 of the Environmental By-Law removed. I value the area's large native trees and do not want to see the environmental by-law weakened. The proposal to remove current protections for trees, such as large habitat trees and trees listed on the significant tree register would be a backward step. I am concerned that such changes could become common across the state, if local residents are not informed, and don't speak up. So, please take my say into account.</p>	Noted
47	<p>I am concerned about the proposed removal of Part 7 from the Health and Environmental Services section of the Kingborough bylaws. If this is removed we are in danger of significant trees being removed with little consideration by developers and landholders. I hope you consider this review in depth and retain Part 7. I look forward to a positive outcome from this review - retaining Part 7.</p>	Noted

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48	<p>I am gravely concerned about the removal of Part 7 – Trees on private property that is included in the current Health and Environmental By-law 3 of 2011. The reason given for omitting this section is that it is “governed via the Kingborough Interim Planning Scheme 2015 (except when exempt) see FAQs” However, upon reading the FAQs (https://www.kingborough.tas.gov.au/wpcontent/uploads/2021/07/Part-7-FAQs-.pdf) it is clear that the Kingborough Interim Planning Scheme (KIPS) allows a number of exemptions that are currently regulated by this Part 7 of the existing By-law. “The current Part 7 of the Health By-law provides a regulatory framework (including offsets) for the assessment of exempt and NPR vegetation removal.” Moreover, in the near future the KIPS will be replaced by the Tasmanian Planning Scheme, which allows more exemptions for tree and vegetation removal than the KIPS.</p> <p>Without the regulatory provisions of Part 7 we are very likely to see an acceleration of tree and vegetation removal in Kingborough, and the loss of trees and vegetation that contribute so much to the character and value of our local landscape and environment. In addition, we risk losing trees and vegetation of significant conservation and heritage value. Kingborough is rather unique in Tasmania and Australia in the way human activity and development has created a beautiful landscape where human activities are integrated with the natural environment. We are fortunate to have so much natural environment around us, but if we don’t retain the capacity to protect this landscape we are at risk of seeing it progressively degraded and lost.</p>	Noted
	<p>I note that in the Council’s Regulatory Impact Statement for the proposed Health and Environmental Services By-law 2021, there is no mention of the removal of the existing Part 7. There is no consideration of the economic, environmental and social costs and benefits of omitting the existing regulatory framework for the assessment of vegetation removal. I do wonder why aren’t the issues raised in the Part 7 FAQ document included in the Council’s Regulatory Impact Statement? In view of this omission, does Regulatory Impact Statement actually meet statutory requirements? Because this FAQ document raises some very significant issues, I am including it here as part of my submission, with highlighting of what I feel are the important points. I thank you for the opportunity to participate in this public consultation process.</p>	Noted. The RIS is in accordance with s.156A of the <i>Local Government Act 1993</i> . The RIS is an impact statement in respect of a By-law that Council intends to make and is not relevant to the 2011 By-law. This position is supported by the issuing of a certificate certifying that the statement is satisfactory by the Director of Local Government.
49	<p>The removal of Part 7 - Trees on Private Property from the proposed Health and Environmental Services bylaw No 2 of 2021 should be seriously reconsidered. Part 7 of the Health and Environmental Services</p>	Noted

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	<p>bylaw No 3 of 2011 applies to the removal of trees on private property. The removal of trees of high conservation value is covered under the Planning Scheme but I am not convinced that the Planning Scheme will cover the removal of trees where no planning application has been submitted. Part 7 applies to private property where a planning permit would not normally be applied for. By retaining Part 7 the indiscriminate removal of trees of high conservation value from private property would be protected. If the Planning Scheme fails to protect trees on private property that leaves it open for land owners to clear their land without the need for a permit and then apply for a planning permit for the development of that land at a later date. Part 3.1.1 of Biodiversity Offset Policy No. 6.10 would also become obsolete with the removal of Part 7. This would result no mitigation or compensation for the removal of trees of high conservation value from private property.</p>	
<p>50</p>	<p>I have been engaged in a private email discussion with Council Officer REDACTED regarding the removal of Part 7 of the Environmental By-Law. I asked a very specific question, that being: "Does the removal of Part 7 strengthen or weaken tree protection?" Here response was: "In all likelihood yes REDACTED because of exemptions and no permit required aspects of planning scheme." So here is a very blunt admission that what council is proposing is to wilfully allow the removal of habitat trees for critically endangered species - and is willing to put this admission in writing. This is ethically and morally repugnant and the mark of a phillistine approach to science. Scientists - of which I am one - have been telling all levels of government what is needed to stabilise the population of endangered species yet the council is choosing to be ignorant of the science. This lack of belief in science is akin to climate denialism and the anti vaxer movement. Trust the scientists you REDACTED.</p>	<p>Noted</p>
<p>51</p>	<p>We wish to lodge our objection to the removal of the above by law. We value our significant trees and unless there is a very good reason to chop them down do not agree with the removal of their protection.</p>	<p>Noted</p>
<p>52</p>	<p>I write to urge you not to repeal or altar by laws. Hi conservation trees and indeed any trees that provide habitat need to be retained and Part 7 of The council's bylaws must be retained. Your municipality is characterised by many large and beautiful trees, many of which are important habitat for vulnerable, threatened and endangered species. Please protect these trees by retaining Part 7</p>	<p>Noted</p>
<p>53</p>	<p>I am writing to raise my concern at the proposed removal of Part 7 of the Environmental By-Law. It is distressing that council could even countenance the removal of protection for trees of high conservation</p>	<p>Noted</p>

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	<p>value and those trees on the significant tree register. Everything we know about tackling Climate Change and Biodiversity loss says we should be strengthening protection for significant trees and native vegetation. How can this proposed change come from a council that has declared a climate emergency? Trees provide habitat and shelter, shade and beauty. By allowing clearing of vegetation we further degrade local biodiversity, disrupt vegetation corridors and make our own living conditions hotter and less beautiful. Trees are recognised globally as a buffer against the heat island effect of urbanisation. NSW, for example, is planting hundreds of thousands of trees to combat this issue. Please reconsider and retain this by-law.</p>	
<p>54</p>	<p>I am writing to voice my concern about the proposed change to the environment by-law. I am a resident and home-owner on Bruny Island. I am extremely concerned about the removal of part 7 as it currently stands, therefore lessening protections on high conservation value trees. We are living in a climate emergency. We are living with increasing extinctions of species of value not only in and of themselves, but in the ecosystem as a whole. The forty-spotted pardalotes are threatened by tree losses that can more easily occur with the removal of part 7. We are all threatened by failing to caretake our environment. And we are living with the results of that daily. I am a specialist in disaster medicine. I work in emergency medicine at the intersection of conflict, migration and climate-related emergencies. These emergencies are increasing. And they are increasing because people in power are not standing up to those who want to perpetuate immediate growth and wealth at the expense of a future that is swiftly becoming the present. It has to stop. As a Kingborough resident & rate payer, I submit that I hope this step stops with you and that current protections for high value trees on private property remain.</p>	<p>Noted</p>
<p>55</p>	<p>I am writing to express my horror at the proposed removal of Part 7 of the Environmental By-Law. In this day and age when the problems of climate change and the urban heat effect are so well known we must be doing everything we can to protect trees in general and particularly those of high conservation value and those on the significant tree register. In my backyard council has approved twelve high density units (the old Taroona Hotel site) and one of the few mitigating features of the development is that we were able to go to the RMPAT and get conservation of three large gums. Without protection these trees would have been removed by the developer and replaced by even more pittosporums. Everything we know about tackling Climate Change and Biodiversity loss says we should be strengthening protection for significant trees and native vegetation. How can this proposed change come from a council that has declared a climate emergency? Please reconsider and retain this by-law.</p>	<p>Noted</p>

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56	<p>I understand that you are seeking community feedback on the deletion of this bylaw thereby allowing the removal of large trees without approval.</p> <p>I am concerned about the potential for the removal of large trees without approval. I am therefore opposed to the deletion of this bylaw.</p>	Noted
57	I support the amendment to the removal of the Part 7 By-Law.	Noted
58	<p>We strongly urge you to reject the proposed removal of part 7 of the Environment By-Law. My husband and I, find it unconscionable that in this day and age, with the world the way it is; with the appalling (and now acknowledged) effects of climate change and the consequent gross environmental degradation that is occurring world wide, that this could even be in Council's consideration. The most recent and damaging floods in Germany, Belgium and the Netherlands have been attributed to climate change, as have the horrendous fires raging in parts of America and Europe. Furthermore, it is a known fact that de-forestation is responsible for adverse environmental impact, such as for instance, is occurring in the Amazon. I could go on to make further argument for the case of the acceptance of climate change and the adverse environmental and human impact thereon, but can only hope that Council Members are already aware of this, and realise that the cutting down of large trees is a significant contributor to this. While I accept that we live in a democracy and therefore that everyone has a right to his/her opinion, I do believe that no intelligent, logically thinking and aware human being could possibly wish the proposed removal of part 7 of the Environment By-Law to go ahead. I can only arrive at the conclusion that this proposal is a consequence of economically-driven Development. In this day and age, only financially motivated Development could be promoting the cutting down of large trees. I urge Council not to give in to the pressures of Development at the expense of the environment. No one of conscience and awareness could possibly be in agreement with the removal of part 7. Therefore we strongly and respectfully urge Council to reject the removal of part 7 of the Environment By-Law.</p>	Noted
59	I note there are amendments proposed to By-Laws. Where can I see the details of these amendments?	Noted. Information provided.
60	<p>I believe removal of Part 7 is a step too far. Kingborough has many tree species valued for heritage and habitat reasons as well as for the overall amenity that defines our district. I'd prefer to see a simpler system where an email application covering a number of parameters such as tree species, surrounding ecology and endangered wildlife as well as intended removal safety. The cost should be a minimal admin recovery</p>	Noted

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	amount. A well thought out "tick the boxes" form would both make the applicant aware of the many aspects and also make for an easy yes or no decision.	
61	We have become aware that the Council is proposing to remove tree protection measures from current Government legislation. We object to the removal or softening of tree protection measures.	Noted
62	<p>I understand that the current tree-by-law, part 7 is being removed, based on a legal opinion which the Council has sought. In my opinion, this will negate years of attempts by the Council to protect biodiversity conservation and it will result in native vegetation clearance, fragmentation of the vegetation environment and degradation of habitat. I have reviewed the "Part 7 Frequently Asked Questions" submitted by the Council { which in itself was complicated and confusing } and checked out the clauses, which related to provisions for high conservation value trees and trees listed on the Significant Tree Register, but the phrase, " unless the development is exempt under Clause 5.0 or otherwise no permit required" for vegetation removal would negate all the safeguards. This is surely a very backward step and would potentially allow extensive clearing of private land. This is confirmed by the paragraph stating" these provisions do not deal with the removal of trees which do not meet the definition of high conservation value trees and therefore the planning scheme does not govern the removal of trees on private property unless there is an existing permit condition or mechanism on the title requiring Council approval prior to removal." The Significant Tree Register created under the policy may differ to that of the Planning scheme and over time, so that these trees would not be protected. The Biodiversity Offset Policy which will also be removed and which applied to all applications assessed under the Health and Environmental Services By-Law and the Kingborough Interim Planning Scheme 2015 is very valuable and should be preserved to mitigate and compensate for the loss of biodiversity. In my search for all the documents mentioned in Part 7 Frequently Asked Questions, I came upon the Abstract of a PhD written by N den Exter entitled " BIODIVERSITY ON THE FRINGE: THE {DIS}INTEGRATION OF BIODIVERSITY IN THE LAND USE PLANNING[1].This abstract says it all and considering that it is written about Kingborough Local Government, it makes me wonder why the legal opinion was sought and who benefits from this backward step!?!? The key findings of this PhD were that integration of biodiversity conservation into land use in Tasmania is inconsistent , with no agreed objectives or indicators for biodiversity and policy settings are lacking. It states that the Kingborough case study "demonstrated that local planning schemes can and do make an important contribution to Biodiversity conservation but that current planning reforms threaten to erode this contribution"! This change to Part 7</p>	<p>Noted. Council's Consultation process was in accordance with the <i>Local Government Act 1993</i>, the certified RIS and the <i>Good Practice Guidelines – Making By-Laws (3)</i> published by the Tasmanian Government.</p>

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	<p>was not advertised widely and I did not know about it until July 13th! That does not give anyone enough time to seriously consider the ramifications of the change to our environment. Considering that we are being seriously affected by Climate Change, Part 7, the tree BY-Law must not be changed.</p>	
<p>63</p>	<p>I urge you not to change the current bylaw that protects trees of significance. I support the submissions lodged by the Taroona Community Association and Taroona Environment Network. I endorse the opinion of The Environment Defenders Office. Kingborough Council needs to stand on its own hind legs and stand up for itself against a State Government whose agenda is directed towards development at any cost and the subsequent destruction of natural values that define the greatness of Tasmania. I write as a land owner with over 150 acres of significant trees in Kingborough. My stewardship of this vegetation is crucial so that other humans can benefit from them into the future. They are not “just trees” but a biological masterpiece that form a crucial part of the web of life. Our life. Remember that we have a Premier whose only qualification is a diploma of financial planning. The value of the natural world isn’t factored into his calculations. As Dr Suess said in “The Lorax”: “Who speaks for the trees?” Kingborough Council and its officers do. Therefore it is your moral imperative to look after the trees of Kingborough and set an example to the world.</p>	<p>Noted</p>
<p>64</p>	<p>I wrote previously about the need to retain the provisions of Section 7 regarding tree protection. Since then, I have been given a copy of the legal opinion of the Environmental Defenders Office (EDO) regarding the actual legal position of the council's proposed action. That opinion makes it perfectly clear that the current by-law is NOT in conflict with the Interim Planning Scheme and does NOT need to be removed. Indeed they make a strong case (as detailed in the submission) for increasing the level of protection in the by-laws to catch situations that currently are not covered. I know that the council has received legal advice to the contrary, but the EDO opinion seems pretty convincing. I would urge the council to be very careful about making this change in haste. It is difficult enough to protect the environment as it is, without gutting the few laws we have to protect them now.</p>	<p>Noted</p>
<p>65</p>	<p>I wish to state my objection to moves afoot to remove Part 7 of the Environmental By-Law. I also wish to state my desire that Kingborough Council not do anything that might undermine present laws and regulations that protect trees of high value. As a resident of the Huon Valley, I am acutely aware of the vulnerability of my region to irresponsible environmental behaviour by various state authorities (including</p>	<p>Noted</p>

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	our council); and to the wilful destruction of significant trees for no good reason. Don't let such a situation be encouraged in Kingborough.	
66	Our natural environment is declining. This is especially noticeable in our urban areas, where mature trees are crucial as nesting grounds for our native wildlife, especially birds. I, therefore, do ask you to retain the clauses that regulate tree removal as well as strengthening tree protection. In an ideal world, there would be a set of simple rules which allows anyone to determine whether a tree is to be protected and can not be removed without a permit. this would include for example a list of tree species that are of high protection value and measure of either tree diameter or circumference measured at 1 m above ground which clearly allows any owner to determine whether a tree is protected and requires a permit or not.	Noted
67	This is my second submission to you to voice my concern about the KC proposal to scrap by-law 7, thereby completely removing protection of trees of outstanding biodiversity. I'm sending this although I've just spoken to 5 councillors. Thank you all for you time, and the clearer understanding of the situation this gives me. We have been alerted by the TCA and TEN that KC has been given erroneous information on by-law 7, and that TCA and TEN have emailed you the legal information from the EDO (Environmental Defenders Office) explaining this. Also that the EDO has recommended amendments to improve the effectiveness in the new planning scheme for by-law 7. I trust you will read this information and take it on board. It seems to me that many people do not understand biodiversity, how we are connected and affected by our relentless destruction of the natural world. Of course we need a strong economy, but money will not keep us alive, will not stop floods, fires, tornados etc etc. We need to look after our environment. We need you and all leaders to present positive ways to help us all do this, to promote and support what biodiversity we have left, and to encourage environmental awareness. Thank you to all the councillors I spoke to, and to you all. I realise how demanding your job is.	Noted
68	I wanted you to know that I really care for the trees. I don't think it is right to change the law so that trees of any width can be cut down. Instead, could you protect even smaller trees, because the small trees grow into bigger trees and the big trees create oxygen. REDACTED	Noted
69	We oppose the summary removal of this section of the by laws for the following reasons. 1. Trees provide amenity for the community as a whole and large trees in particular are valuable both in that regard and as carbon sinks. As such they should not be removed without good reason. 2. The state planning legislation gives inadequate protection to such trees.	Noted

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	<p>3. The council has a duty to the community to protect the natural environment of the municipality.</p> <p>4. Importantly the legal advice obtained by the Council that the by-law is in conflict with State planning legislation is contradicted by other legal advice obtained by residents and should not be acted on precipitately.</p> <p>The municipality has seen tree cover within the residential areas greatly diminished in recent years to the detriment both of amenity for the residents and in conflict with our duty to preserve trees as carbon sinks. Council should be proactive in preserving tree cover on behalf of residents and take steps to ensure that its by laws achieve this aim and at the same time are not in conflict with state legislation.</p>	
70	<p>I would like to register a submission regarding the removal of Part 7 from the proposed environmental by-law, which currently protects native and high value conservation trees. I object to this removal as I believe it will result in extensive clearing of trees from private property. This is contrary to many of the aims of Kingborough Council in terms of biodiversity provision, and will result in impacts on many rare and threatened species such as Swift Parrots and Forty Spotted Pardalotes.</p>	Noted
71	<p>Please find attached a letter we are sending in response to your appeal for community opinion on the removal of Part 7 of the Environmental By-law which currently protects trees of significance on private property. We trust you will give this letter due consideration. Kind regards</p> <p>Proposed change to by-laws and protection of mature trees</p> <p>Dear Kingborough Councillors,</p> <p>We are writing to express our strong opposition to the proposal to remove part 7 of the Environment By-Law which stipulates that trees currently need approval for removal if they are over 80cm in diameter or significant species. The Kingston Beach Coastcare Group has been working with the community and Council for the last 22 years, caring for flora and fauna in our community. We have had incredible support from Council's bush-care and weed management officers as well as local entomologists, bird scientists, University of Tasmania students conducting flora surveys, community volunteers and marine naturalists. We have also received grant support from Greenlinks project for work along riparian waterways that link us to kunanyi, assistance from Greencorp groups for weed eradication and many local volunteers who are passionate about the importance of biodiversity in our living community. We are surprised and alarmed to hear that council would be considering a move such as this that would allow the unfettered removal of large and significant trees in our community hitherto protected. To the many volunteers who spend their free time supporting our incredible biodiversity by removing invasive species, planting trees, growing seedlings, collecting seed and promoting habitat, it is</p>	Noted

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	<p>unbelievable that the council would consider allowing mature trees in our community to be removed without due consideration. It is our view that we need to continue to support biodiversity and large intact functional ecosystems. We cannot achieve this with the unchecked removal of our large tree habitat.</p> <p>We refer you to your own fabulous Bushcare and Coastcare staff who work in the field supporting natural systems and habitat to inform your decision to reject this proposal and have due process in decisions that affect our local species and habitat. The Council and community are aware of the changes affecting us through climate change and the 6th mass extinction and moreover the notable thinning of many species in our ecosystems. Removing carbon rich mature trees and already diminishing species habitat from our local environment is indefensible. Furthermore, it appears to us that no explicit reasoning has been put forward for this change. We can only assume that the likely reasons include streamlining of administrative processes. Your FAQs on the matter do not help to clarify. We find this perplexing. We look forward to hearing of your decision to decline the proposed amendment that would see the removal of high conservation value trees from our municipality.</p>	
72	<p>I wish to express my concern that the Council would even contemplate such an action when our environment especially trees are in such danger. There must be laws and by-laws that prevent the 'willy nilly' destruction of trees just so that more unrestrained development can occur!!</p>	Noted
73	<p>We strongly oppose the removal of part 7 of the Environmental by laws which would inevitably lead to increased felling of large native trees, including high conservation value tree, in this area. Weakening of protection will give the green light to people to wantonly remove and destroy native vegetation. This has an impact on many levels</p> <ul style="list-style-type: none"> - Habitat destruction for native insects, birds and animals - Loss of important and increasingly rare species and eco systems, eg (where we live) E amygdalina trees on sandstone - Loss of the character of the region – the natural environment is the reason why many people chose to live here in the first place - Increased neighbourhood conflicts and animosity over tree removal - Danger to Residents, or the cowboy "Arborists" who door knock, by their amateur attempts to fell trees <p>In our 16 years living on Golden Grove Drive, we have witnesses so much clearing of native vegetation in our immediate area. We were attracted here by the natural setting but this is rapidly disappearing. Many trees</p>	Noted

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	<p>along our street have been removed for dubious reasons. The acre block behind us was cleared some years ago with minimal consequences. When we were part of 43 written objections to Council over Cunic Homes high density housing project on Burwood Drive, abutting Peter Murrell Reserve, their proposal was approved by your General Manager without our submissions even getting to Council.</p> <p>Kingborough Council has a responsibility to protect our natural environment and live up to their “sustainability” creed. We implore Council to retain all current native vegetation protection and increase deterrents against its destruction.</p>	
74	<p>Like so many Tasmanian communities, Kingborough is a beautiful, vibrant area that is highly valued by all Tasmanians for its natural surroundings. Tearing up these by-laws in Kingborough as proposed, does nothing for Tasmania’s cherished biodiversity and landscapes or our sense of place. Importantly, for all Tasmanians, this proposal potentially encourages a precedent for other local government bodies to consider like actions, and so extend the losses across our beautiful island. Retaining and maintaining by-laws for this purpose, does not in itself automatically retain important trees and landscapes, but by requiring permission at a local community level, there is a system of important regulation in place and in which the community can hold up with confidence that local values and places of importance will be carefully and properly-considered before they can be destroyed, and that this is done locally. Abrogating this important duty is contrary to the purpose and role of local government, and is one of the factors that keeps community confidence in local government officers and elected representatives. Accordingly, we ask that council retains protection for high value conservation trees and do not remove Part 7 of the Environmental By-law. We join with others in believing the proposal to remove current protection for trees, such as large habitat trees and trees listed on the significant trees register, would be a backward step and in particular when climate change and the need for carbon sequestration is so front-of-mind and concern, across our world, and particularly by emerging younger generations.</p>	Noted
75	<p>I object to the above proposal by the Kingborough Council to remove this amendment. Trees are part of our environment and need to be preserved for their beauty, supporting all our native wild life and their vital role in reducing our carbon emissions. Our society needs to accept and feel able to live within our environment. Do we want to see open slather on our trees in and around our towns? Kingborough Council has the opportunity to show the world how we can provide sustainable housing and still preserve Tasmania’s unique and beautiful trees and environment. Please, Council members, consider very carefully and be aware</p>	Noted

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	of the destructive ramifications if you pass the above amendment. We voted you to represent us, so please honour your responsibility.	
76	<p>I write with a submission from Friends of North Bruny on the proposal to remove Part 7, dealing with the protection of trees, from the Kingborough Council Environmental By-Law. We understand that Council proposes to take this step because it has been advised that Part 7 is invalid. We have not seen that advice, only materials that give some idea of what it contains. Attached is advice given to the Taroona Community Association by the Environmental Defenders Office which argues that Part 7 is valid, and which also suggests ways in which that Part might be amended in order to reduce the potential for argument. We are told that a copy of this advice has already been circulated to members of the Council by the Association. It is not our place to try to resolve the competing legal arguments, but we do wish to express the strong view on behalf of our community that the Council should be taking whatever steps it can to strengthen its ability to protect trees within the municipality, and should not lightly take any backward step in this regard. We ask Council to carefully consider other courses when making its final decision on the issue, such as -</p> <ul style="list-style-type: none"> • leaving Part 7 in place and waiting for the question of its validity to be tested in litigation • amending Part 7 to strengthen it against possible challenge • raising the question of the validity of Part 7 with the State government and other Councils, such that the due protection of trees becomes a State issue, and any doubts as to its ability to make such by-laws is dealt with by amendment to the Local Government Act. <p>These suggested options are not exclusive of each other. In our opinion, given the huge environmental importance of trees, and their significance to local amenity, the bare removal of Part 7, with the result that the only protection for trees lies in the planning scheme, would be an abdication by Council of its responsibilities. The issue calls for a much more creative response than that.</p>	<p>Noted.</p> <p>The difference between Council's advice and the advice received during consultation from the EDO is that Council's solicitors determine that the Scheme provides a regulatory regime for the destruction and lopping of trees by way of those works being exempt, NPR, or even requiring a permit under the Scheme, and that the former clause 25 in seeking to impose regulatory requirements for permit under a by-law, is contrary to the regulatory control of that development under the Scheme. Council's solicitor's advice focuses on the regulatory process created under the <i>Land Use Planning and Approval Act 1993</i> and the Scheme to assess the presence of any conflict. Councils' solicitors advise clause 25 of the former by-law is invalid as it conflicts with the requirements of the Scheme.</p> <p>The EDO advice approaches the issue by observing that the requirement for a permit under the Scheme remains</p>

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		<p>even if a permit is required under the by-law. The EDO advice does not specifically address the question of conflict between what the Scheme exempts and states to be NPR and the requirement under the former clause 25 for a permit to be obtained under the by-law for works that would have that exempt or NPR status. This is identified in the EDO advice where it states, <i>“It is only where works may be exempt from the KIPS, and those works are captured under cl 25(2) & (3) of the current by-law, that there is a requirement for [a] permit under the by-law”</i>.</p>
	<p><u>Legal opinion letter from EDO</u> Replacement of Kingborough Council Health and Environmental Services By-Law You have asked us for advice in relation to a proposed replacement of the Kingborough Council’s Health and Environmental Services By-Law 2011 (current by-law). The current by-law prohibits injury to particular trees in 'Part 7 – Trees on Private Property'. This Part has been removed in the proposed new by-law (new by-law). Please find our advice in response to your query below. In summary, we consider that the current by-law is not contrary to or in conflict with the Kingborough Interim Planning Scheme 2015 (KIPS). In case it is helpful for your submission in response to the new by-law, we have also included a proposed amendment to Part 7 of the current by-law which may address any remaining concerns about reconciling the by-law with the KIPS. Advice Clause 25(2) of Part 7 of the current by-law provides: A person must not cut down, top, lop, remove, ringbark, injure or wilfully destroy any tree which: a. has a trunk circumference greater than 80cm at 1.5m or more above ground level, unless authorised by a</p>	

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	<p>permit to do so; or</p> <p>b. is listed on register of significant trees applicable to the municipal area, unless authorised by a permit to do so; or</p> <p>c. is protected under an agreement part under Part 5 of LUPAA or covenant on the title.</p> <p>Clause 25(3) provides exemptions for listed or declared weeds or non-listed exotic species or where removal is approved under a permit in respect of a use or development issued under LUPAA.</p> <p>Clause 25(4) provides for potential offsets where permits are granted under sub-clause (2).</p> <p>Part 7 of the current by-law is entirely removed in the new by-law.</p> <p>Kingborough Council (Council) has prepared a Frequently Asked Questions document (FAQs) in relation to the removal of Part 7 in the new by-law. This outlines the ways in which the KIPS currently regulates vegetation clearing. It also notes that there are some cases that the KIPS does not cover (i.e. those that are exempt from the requirement for a permit under the Scheme), and that these cases are likely to increase under the incoming Tasmanian Planning Scheme.</p> <p>We confirm that the KIPS does regulate the clearing of vegetation including through the operation of a Significant Trees Code, Biodiversity Code and the Waterways and Coastal Protection Code. See at Kingborough Interim Planning Scheme 2015 (iplan.tas.gov.au). These codes may require a permit for certain developments that involve works for clearing vegetation.</p> <p>For example, under cl. E24.2 of the KIPS, the Significant Trees Code applies to trees listed on the Significant Trees Register. Subject to certain circumstances under cl. E24.4, the Code requires a permit for the proposed “lopping, pruning, removal or destruction of significant trees”. But the Code does not protect all those trees captured by the current by-law under cl.25(2), as the Code does not list many trees on the Significant Trees Register, and some works make be exempt from the requirement for a permit.</p> <p>Similarly, the Biodiversity and the Waterways and Coastal Protection Codes have limited application and some exemptions which may result in less protection for trees than the current by-law. This is recognised in the FAQs which makes clear that the KIPS does not provide comprehensive regulation of tree removal in the municipality. It refers to the existing provisions in the planning scheme related to high conservation value trees then states: However, these provisions do not deal with the removal of trees which do not meet the definition of high conservation value trees and therefore the planning scheme does not govern the removal</p>	

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	<p>of these trees on private property, unless there is an existing planning permit condition or mechanism on the title (such as a Part 5 or covenant) requiring Council approval prior to removal.</p> <p>It also states:Where development (including tree removal) is exempt or NPR [no permit required] under the planning scheme, in the event that Part 7 is removed, this tree removal will no longer be regulated, including the removal of high conservation value trees and trees listed on the Significant Tree Register in some circumstances.It is clear that Part 7 provides a distinct set of provisions otherwise not regulated under the KIPS. The retention of Part 7 in the new by-law would therefore maintain protection of vegetation that will not otherwise be available.Council's position in the FAQs appears to be that Part 7 of the current by-law should not be included in the new by-law on the grounds that the subject matter of tree removal is already addressed in the KIPS. It is worthwhile noting as a point of interest, that the new by-law has however maintained its regulation of caravans (Part 7 of the new by-law), despite the KIPS also including provisions on caravans whereby a permit may be required under both sets of regulation.Is Part 7 of the current by-law valid?We advise that the by-law will be valid if it is within the power of the Council and it is not in conflict with or contrary to the KIPS.</p> <p>Council's power to make by-laws Section 145 of the Local Government Act 1993 (LGA) gives the Council a power to make by-laws "in respect of any act, matter or thing for which a council has a function or power under this or any other Act". Section 20(1) of the LGA provides that the Council has wide ranging functions and powers to meet the needs of the community with no reference as to whether such functions and powers may also be exercised either under the LGA, or another Act: In addition to any functions of a council in this or any other Act, a council has the following functions: (a) to provide for the health, safety and welfare of the community; (b) to represent and promote the interests of the community; (c) to provide for the peace, order and good government of the municipal area. (Emphasis added) The LGA does not constrain the Council from making a by-law which covers the same matters as other legislation, including the planning scheme made under the Land Use Planning and Approvals Act 1993 (LUPA Act), providing that the by-law complies with all the applicable provisions of the LGA.¹ Furthermore, Courts have accepted that by-laws imposing restrictions on the clearing of vegetation will be within similarly broad legislative powers for the making of by-laws for "good governance".²</p> <p>Is Part 7 of the current by-law contrary to or in conflict with the KIPS?</p>	

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	<p>The Council's information on the by-law amendment indicates that it may have been advised that the planning scheme “covers the field” in relation to regulation of tree removal and therefore Part 7 is invalid. That is, the planning scheme provides such comprehensive or exhaustive coverage of vegetation protection that Part 7 cannot remain in the new by-law.</p> <p>This is not the correct test in determining whether the by-law is valid. The "cover the field" test is applied when assessing if a State law is repealed by a Commonwealth law under s 109 of the Constitution, rather than the reading of two State laws as is the case here. This has been addressed in a number of High Court cases which have found there is "a very strong presumption"</p> <p>1 For a helpful review of the powers of Local Government in to make by-laws for good governance under the preceding Tasmanian legislation, see the decision in <i>Southorn v Jovanovic</i> [1985] TASSC 48 from paragraph [18]. In that case, the Supreme Court found the Council had broad powers to make by-laws if they were for one of the purposes expressed in the Local Government Act 1962 (which applied at that time), even if they created an additional level of regulation for something otherwise regulated.</p> <p>2 See for example, <i>Bone v Mothershaw</i> [2001] QDC 255 at [14]-[16].</p> <p>that a State legislature would not intend to contradict itself in separate laws enacted within its jurisdiction. 3 Rather the correct test is whether the by-law it is “contrary to or in conflict with” the KIPS per s150 of the LGA, which relevantly provides: 150. Restrictions on making of by-laws (1) A council must not make a by-law which –</p> <p>... (d) is contrary to law or is in conflict with any planning scheme in the municipal area; or ...</p> <p>(2) Any provision of a by-law which contravenes this section is invalid.</p> <p>While having two sets of regulation for vegetation clearing may create some complexity, this does not necessarily equate to them being in conflict as they can be read together in addressing a tree removal matter.</p> <p>As we mentioned earlier, the presumption that a single legislature does not intend to contradict itself applies in relation to this issue (see above at footnote 3).</p> <p>The High Court has also found that prohibitions can exist in separate laws and these can operate "independently and cumulatively" such that a decision may need to be made on the same subject matter under different laws. If you would like to refer the Council to the cases which address these issues, there is a clear summary of the relevant authorities in <i>Ispt Nominees Pty Ltd v Chief Commissioner of State Revenue</i> [2003] NSWSC 697 from paragraph 101 onwards. The High Court's approach to determining that laws</p>	

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	<p>cannot co-exist is where they are "clearly and indisputably contradictory, displaying such repugnancy that they could not be reconciled". Or that that they are so in conflict that "effect cannot be given to both at the same time".⁴</p> <p>The applicable principles were applied in a NSW Land and Environment Court decision dealing with separate legislative provisions regulating native vegetation:⁵ Subordinate legislation may not make unlawful that which the general law makes lawful. Hence, "a by-law is repugnant if it adds something inconsistent with the provisions of a statute creating the same offence; but if it adds something not inconsistent, that is not sufficient to make the by-law bad as repugnant".</p> <p>As already noted, Part 7 provides protections distinct from the KIPS by regulating the cutting, or destruction of trees of a particular size that are not otherwise captured under the KIPS provisions,</p> <p>3 You can refer to the following authorities for this principle: <i>Butler v Attorney-General (Vic)</i> (1961) 106 CLR 268 at 276; <i>The State of South Australia v Tanner & Others</i> (1988) 166 CLR 161 at 170. See also a useful review of the authorities in <i>ISPT Nominees Pty Ltd v Chief Commissioner of State Revenue</i> [2003] NSWSC 697 at [101]–[118]. 4 <i>Butler v Attorney-General (Vic)</i> (1961) 106 CLR 268 at 290. 5 <i>Ballina Shire Council v Simon Freeden and Lorraine Freeden</i> [2006] NSWLEC 192 at [53].</p> <p>and provides the opportunity for Council to require offsets for loss of vegetation provide a separate and further layer of protection for these trees.</p> <p>In our view, it could not be said that Part 7 is contrary to or in conflict with the KIPS, because the by-law explicitly acknowledges the requirement for permits under the KIPS. It states at cl 25(3)(d) that, where a permit has been granted for the removal of a tree under the KIPS, no permit is required under the by-law. It is only where vegetation works have not otherwise been permitted under the KIPS, that a permit is required under the by-law.</p> <p>The by-law does not make unlawful some that the "general law" makes lawful. That is, there is no general right under the LUPA Act for a person to undertake works without a permit granted under s51(1) of that Act. In this case, the KIPS provides for the granting of permits for such works. It is only where works may be exempt from the KIPS, and those works are captured under cl 25(2) & (3) of the current by-law, that there is a requirement for permit under the by-law. In this sense, the by-law "adds something not inconsistent" with the KIPS.</p>	

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	<p>As Part 7 of the by-law does not purport to exempt a person from the requirement to get a permit under the KIPS, it is difficult to see how it might be argued to be otherwise inconsistent with or contrary to the KIPS. However, if this is Council’s concern, it could be simply rectified by making a small amendment to the Part providing that no permit may be issued under cl 25(2) where a permit for those same works has been refused by Council under the KIPS. We have appended to this advice some other minor amendments to Part 7 that the Council could make for the purposes of clarity should it be persuaded to include such a part in the new by-law. Conclusion In our opinion, Part 7 of the current by-law falls within the broad powers of the Council to make by-laws for the good government of the municipal area under s145 of the LGA. Furthermore, Part 7 of the current by-law is not “contrary to law or ... in conflict with any planning scheme in the municipal area”, because it merely adds a requirement for a permit for certain works where no permit for those works has been granted</p> <p>under the KIPS. We therefore consider the current by-law to be valid. Given the likely reduction in protection afforded to vegetation under the incoming Tasmanian Planning Scheme, it is even more important that the Council include protections of a similar nature to Part 7 of the current by-law. Appended to this advice is a draft of the Part that Council might consider including in the new by-law. We trust this advice is of assistance. Please contact us on (03) 6223 2770 if you have any questions arising from this advice.</p> <p>APPENDIX 1 – Suggested amendments to Part 7 for inclusion in new by-law</p> <p>Part X – Trees on Private Property</p> <p>Clause X - Removal of trees on private property</p> <p>(1) In this Part –</p> <p>"high conservation value tree" means a tree that is of a species that is listed in the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and/or which provides habitat for a threatened species listed in either of those acts.</p> <p>"offset" means an offset under the Council's Policy 6.10 Biodiversity Offset Policy as amended from time to time, or in the absence of any current Council policy, an action the Council requires a person to take that aims to compensate for an environmental impact that results in a loss of biodiversity caused by the person. An offset can include active management, a financial contribution and other actions that demonstrate a conservation benefit for a particular natural value.</p>	

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	<p>(2) A person must not cut down, top, lop, remove, ringbark, injure or wilfully destroy any tree which:</p> <p>(a) has a trunk circumference greater than 80cm at 1.5m or more above ground level, unless authorised by a permit to do so; or</p> <p>(b) is listed on a register of significant trees applicable to the municipal area, unless authorised by permit to do so;</p> <p>(c) is protected under an agreement under Part 5 of Land Use Planning and Approvals Act 1993 or covenant on the title.</p> <p>(3) Sub-clause (2) does not apply to:</p> <p>(a) an environmental weed as listed in a planning scheme applicable to the land on which the environmental weed is located;</p> <p>(b) a declared weed under relevant State weed legislation;</p> <p>(c) an exotic species (including non-Tasmanian natives) not listed as a significant tree; or,</p> <p>(d) a tree whose removal is approved under a permit in respect of a use or development that is issued under the Land Use Planning and Approvals Act 1993;</p> <p>(4) Where a permit is granted under sub-clause (2), the Council may require an offset if the tree that is the subject of the permit is a high conservation value tree.</p> <p>(5) No permit may be issued under sub-clause 25(2) where a permit for those same works has been refused by Council under the Land Use Planning and Approvals Act 1993.</p> <p>Drafting notes: Subclause (2)(b) of Part 7 of the current by-law has been deleted as “significant trees” are now covered by the KIPS and under the incoming Tasmanian Planning Scheme. Subclause (5) has been included to clarify no permit may be issued under the by-law where a planning permit has otherwise been refused by the Council. This ensures there can be no argument the by-law is contrary to or inconsistent with the planning scheme.</p>	
77	<p>I was shocked to hear that Council is proposing to delete Part 7 of the Environmental By-law, and thus remove the requirement to apply for the removal of trees on private land. We are in the midst of a climate change crisis accompanied by an appalling loss of habitat and wildlife. As we speak, California is on fire, Germany and Belgium is flooding, the rate of extinction is exponentially increasing, our own swift parrots are rapidly diminishing. Trees are an essential part of our future, as habitat and as a climate mitigation. Over and over it has been proven that where there are trees the air is cooler, positive microclimates</p>	Noted

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	<p>flourish, the air is cleaner. It is easy to think that one more tree seems nothing in the scheme of things until one more tree becomes dozens and then thousands of trees that are lost. Having lived in Kingborough for 20 years I have seen the once green belt become increasingly barren with a constant loss of arable land, rapid growth and destructive developments that no one wants to live in. It is already ridiculously easy for developers to remove a tree simply because it is inconvenient. The fine they pay for this does nothing to offset the environmental loss and is small change in the profits they hope to reap. Making it even easier for private landowners and developers to demolish yet more trees, many of which are centuries old seems shortsighted and dangerous. At the very least it is seriously at odds with what I understood the council stands for. It is a Councils responsibility to protect the environment and sustainability of the municipality it manages. If a Council does not do this, then wo will? I urge every councillor to reject this change in by-law, to continue to be a stand for a Kingborough that is a great place to live and in which both people and environment can flourish.</p>	
<p>78</p>	<p>I write to you to comment on the proposal to remove Part 7of the Environmental By-Law which would remove the current protection for trees on private property such as large habitat trees and those listed on the significant tree register. I do not support this proposal. I have two concerns relating to this issue:</p> <ol style="list-style-type: none"> 1. It has been recognised for some years that tree cover in suburbs reduces the ambient temperature providing relief to residents and less heat related health issues. As global warming proceeds we can expect this issue of heat stress in residential areas to increase. With the move to higher density living and the building of more apartments surrounded by concrete aprons (this is already apparent in Kingston) this issue will be exacerbated. 2. Large habitat trees are required by parrots and cockatoos for nesting. In particular the endangered swift parrot which nests in Kingborough is especially at risk and more so if suitable habitat trees are removed. I do not believe the number of trees in publicly owned land, however well managed, will be adequate to compensate for the loss of trees on private land over time. <p>For these reasons I request the council to reconsider the proposal to remove protections for trees on privately owned land and retain Part 7 of the Environmental By-Law.</p>	<p>Noted</p>
<p>79</p>	<p>I would like to put forward my objection to the removal of part 7 in the current Environmental by-laws, suggested in the July 2021 amendment by Kingborough council.Please do not trust individual land owners to</p>	<p>Noted</p>

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	always do the right thing by our neighbourhoods and environment, I prefer that the existing checks and conditions remain, as a protective measure.	
80	Trees By-law change I wish to express my dissatisfaction with the proposed change. Without the change there is still opportunity for landowners to apply for an exemption. I've been proud of the current council achievements but changing the By-law is definitely a backward and worrying step.	Noted
81	<p>I am writing to express my alarm at, and opposition to, the proposed change to the current Health and Environment by-laws that would remove Part 7 Clause 25. By that removal the Council would be removing constraints upon the killing, damaging or lopping of larger trees (of a diameter greater than 80 cm at a height of 1.5m) on private land. Such trees have high and irreplaceable conservation and amenity value. Kingborough has seen rapid and sustained growth in housing in the last 20 years, driven in part by the area's attractive environment. However, around Kingston and in nearby suburbs such as Blackmans Bay and Howden the spread and intensification of housing has come at a substantial environmental cost. What were once suburbs of generously spaced houses with many large trees and the animal life they support are now intensely subdivided with crowded houses on treeless small blocks. Every new subdivision effectively destroys all its trees. Kingborough once proclaimed a policy of maintaining ridgelines dominated by trees; seen from Blackmans Bay's Promenade the skyline tree cover is now broken or patchy and thin at best. The range of bird species living in such suburbs has declined heavily, and the few remaining large trees are too far apart to act as stepping stones for birds to move regularly between remnants of native vegetation such as Tinderbox Hill, Peter Murrell Reserves, Boronia Reserve or Bonnet Hill. It is several years since I last saw swift parrots or musk lorikeets passing through, let alone staying, feeding and breeding in this area. The reduction of birdlife inevitably means that the invertebrate community will change, too.</p> <p>The Council's proposed change to the Health and Environment by-law is a final straw for maintenance of a healthy suburban environment of the kind that once attracted people to the area. It will become inevitable that new developments will destroy all trees and that even in longer-established housing the few remaining large trees will disappear. The nature of the area will change irrevocably, to the detriment of all residents, present and future. And to whose benefit? Only developers trying to squeeze every possible new building into the suburbs. This is not well controlled, well planned, socially appropriate development.</p> <p>As a rate payer, I object strongly to the planned amendments.</p>	Noted

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82	Council By-law Part 7 amended - I agree with the amendment	Noted
83	Part 7 bylaw We are disturbed by what appears to be an anti-environmental move by a council which seems on the whole to be environmentally aware. We protest at this decision.	Noted
84	<p>I wish to object to the proposed removal of Section 7 concerning of trees on private property for the following reasons:</p> <ul style="list-style-type: none"> • The treed landscape in urban, semi-urban and rural areas provides an amenity that should be maintained for the values it provides to residents of individual properties and the broader community. Trees on private property provide ecosystem services to the community, including shade, soil maintenance, bird and invertebrate habitat, continuity between public and private lands, links to groundwater that reduce stormwater runoff and the many provisions we expect of public and private open spaces. As temperatures increase with climate change, shade from trees rather than concrete and hard surfaces become even more important for our living spaces. Trees should not be removed without specific inspection and permission from Council. • These values are best maintained by a council By Laws which have community needs at heart rather than by broader planning laws that favour piecemeal development to the exclusion of broader landscape values. Over the past decade or two Kingborough has already seen many changes eroding tree continuity in our landscape. as many areas have been developed and cleared of vegetation and native habitat. We no longer maintain the continuity a treed skyline previously valued and we are increasingly becoming an urban concrete environment. • I understand that advice from the Environmental Defenders Office indicates there is no conflict between council by-laws for our community and broader planning laws. Therefore Kingborough Council By-Laws should continue to prevent damage to high conservation value trees through by-laws similar to the current Section 7. <p>I strongly feel that the maintenance of a healthy landscape for all residents in Kingborough relies on the continuity of healthy trees, on both public and private land. Environmental protections should be in the control of our Council under the existing By Laws. Section 7 should be left intact.</p> <p>As a local resident and ratepayer I object to the proposed amendments and implore you to keep these environmental values controlled through our current By Laws</p>	Noted

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85	<p>Thank you for the opportunity to make comment on the review of Council’s existing Health and Environmental Services By-law. BBCA is particularly concerned about the loss of Part 7 from the proposed revised (replacement) Health and Environmental Services By-law No.2 of 2021. To summarise, BBCA strongly opposes the deletion of Part 7 from the revised By-law and recommend that Councillors vote against the change. Our reasons are as follows. Council’s proposal to delete Part 7 seems to be predicated on a legal opinion¹, which has not been openly available for public scrutiny. We are aware of another legal opinion obtained from the Environmental Defender’s Office this week by the Tarooma Community Association in conjunction with the Tarooma Environment Network that directly conflicts with the advice received by Council. The EDO’s opinion is supported by quoted case law and says that “Part 7 of the current by-law is not contrary to law....or in conflict with any planning scheme in the municipal area, because it merely adds a requirement for a permit for certain works where no permit for those works has been granted under the KIPS”. The EDO “considers the current by-law to be valid” (our emphasis). The EDO went further to suggest some changes to the wording of Part 7 to strengthen it and make it compliant with the Statewide Planning Scheme, which will replace KIPS in the near future. This Association is very disturbed at the lack of transparency and foresight shown by Council on this matter. We are even more disturbed that Council has accepted their legal advice whilst seeming to blindly ignore the implications of deleting Part 7. We consider that under the new Statewide Planning Scheme, the main urban zones in Kingborough will no longer have effective tree protection except under certain limited conditions. We also have no confidence in Council’s Significant Tree Register (STR) which has been un-managed for at least the past 2 years. Nominations to the STR have not progressed since 2019, and even then, there were only 43 individual trees and 2 “groups” on the Register across the whole of Kingborough², which appears ridiculous. The STR has been acknowledged as being under-resourced by this Council and incapable of functioning in a timely way to actually provide the necessary tree protection. We consider that the state government has a very pro-development agenda which, over time, will result in areas like Blackmans Bay becoming an uglier suburb with more poorly designed high-density dwellings, much more concrete, less habitat for wildlife and less greenery and lovely trees. And a lot less amenity for its residents! We don’t want this to occur anywhere in Kingborough and particularly not in our area. In conclusion and following the emergence of the EDO legal opinion, we urge Council and Councillors to seriously reconsider the deletion of Part 7. The EDO’s suggested changes to the Part 7 wording appear to provide the protections that the proposed changes to the current by-law will remove. BBCA urges Councillors to pursue this suggested approach. However, if Council officers</p>	Noted

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	<p>insist on presenting the by-law to Councillors in its current form, we urge all Councillors to reject it. Council is the form of government closest to the community and is expected to uphold community expectations. BBKA is very disappointed that this has not been demonstrated in this case. We expect Council to fight back strongly against changes forced into the planning scheme by the state government – like IPD4, which we consider is designed to appease developers and organisations such as the Property Council, Housing Industry of Australia and others who continue to advocate for the removal of the planning authority role from Councils. BBKA strongly opposes this view. If this trend is allowed to continue, it will only be to the detriment of Kingborough, its environment and its residents and rate payers.</p>	
<p>86</p>	<p>PLEASE take into account the major consequences and impact the removal of this by-law will have on Kingsborough/Hobart/Tasmania biodiversity of our environment. We all need to value the protection of our native vegetation, including retaining high conservation value trees. The TCA and TEN received legal advice that clearly states that the current by-law is not in conflict with any planing scheme in the municipal area. We urge you to retain the present by-law and support the legal advice received from the Environmental Defenders Office. Be a council of foresight/wisdom so that our future generations will acknowledge it as being progressive with environmental issues; nothing else will be as important.</p>	<p>Noted</p>
<p>87</p>	<p>The South Hobart Progress Association Inc. (SHPA Inc.) respectfully requests that Kingborough Council does not proceed with the removal of Part 7 of the Environmental By-Laws [governed via the Kingborough Interim Planning Scheme, 2015] for the following reasons:-</p> <ul style="list-style-type: none"> • such a change to the By-Law may make it easier to cut down high value conservation trees and trees listed on the Significant Tree Register. • the SHPA (Inc.) considers the proposal to remove current protections for trees, such as large habitat trees and trees listed on the significant tree register would be a backward step and is concerned such changes could become common across the State. • Both the Taroona Community Association and the Taroona Environment Network fear the changes will result in the loss of important habitat trees for the critically endangered swift parrot and ruin the area's reputation as an ecologically sustainable place to live. • this is simply a further example of pandering to the development-at-any-cost brigade, and will have serious detrimental impacts on Tasmania's much-vaunted image of an environmentally-friendly State. 	<p>Noted</p>

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88	I write to ask the council not to approve removal of part 7 of the environmental by-law. Large trees, especially those of conservation value, are part of what makes this area attractive to birds & wildlife as well as to visitors & those of us lucky enough to live here. We need to capture carbon and in the current climate situation it would be irresponsible to remove trees which do just that!	Noted
89	I am opposed to the proposed changes, which will weaken protection for trees in our urban landscape. In a time of global climate change, surely we need to do all t hat we can to protect biodiversity and habitat.	Noted
90	Concerning the proposed changes to the above Act I would like to add my voice to reject this change. Tasmania is such a special place, one which trades itself on its wilderness and nature. Please leave this law in place to protect what we have and keep it for generations to come. Once these trees are gone it takes years to replace them and the larger and older the tree the more environmental benefits flow.	Noted
91	I write to let you know that, as a resident of Kingborough, I do not want to see Part 7 of the Environmental By-Law removed. I request the Council retains its current protections for high value conservation trees and does not act to weaken the environmental by-laws. I moved to Kingborough because I value its natural beauty and surroundings and fear that the removal of Part 7 may make it easier to cut down high value conservation trees and trees listed on the significant tree register. These same trees provide an important habitat for the already critically endangered swift parrot, along with other species, and need laws affording them protection to be strengthened rather than weakened. The Kingborough region currently has a reputation as an ecologically sustainable place to live and needs to guard this reputation by implementing and safeguarding laws to keep and to enhance this. The removal of Part 7 could prove ruinous to our biodiversity and landscapes - those very attributes that make Kingborough, and indeed Tasmania, the unique and beautiful place that it is. Please show some vision and foresight in this regard by disallowing the proposed amendment.	Noted
92	I strongly oppose the removal of the above clause and believe protections should be afforded trees on the significant tree register or other high conservation value trees. The requirement of a permit to destroy these trees should be retained. Indeed, provisions should really be strengthened to make it more difficult to remove important trees. The trees, including individual trees, and the associated fauna they support are one aspect of living in Tarooma that I value most. I believe it reprehensible for Council to consider moves that make it easier for people to remove any trees from the area.	Noted

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93	I do not agree with the above proposed removal of By-Law 7, trees on private property. Please retain the existing by-law.	Noted
94	I understand a resolution is to be discussed this Monday evening regarding this issue. I say NO. Please NO. Do not remove part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. The old trees are not only part of our heritage. They are vital to our survival on this planet. They provide vital stability, ongoing enrichment to the soil, vital habitat and nesting, breeding grounds for so many of our dwindling avian and tree climbing friends. And the myriad insects who are vital in keeping what's left of our natural ecosystem viable. Please do not cave into short term urban developers. I have no idea why this short sighted proposal is on the table. But I ask you to vote against it.	Noted
95	I am making this submission on behalf of the North West Bay Golf Club inc regarding the following Removal of Trees amendment. Serial Amendment Reason Proposed By-law 6 Removal of part 7 – Trees on private property (of the current Environmental By-law) Governed via the Kingborough Interim Planning Scheme 2015 (except when exempt) Environmental By-law The North West Bay Golf Club inc primary function is the provision of golfing activities for club members, visitors and school groups. Our Club is concerned that the current provisions for tree removal jeopardises people’s safety and there needs to be consideration given to mitigating the risk of injury or death to people undertaking a healthy sporting activity. The issues include: 1. Trees are integral part of the golf course. However, for numerous reasons, trees die back and become dangerous as they can drop limbs or fall without any predictable cause. Trees and limbs have fallen in the past on days when there hasn’t been any adverse weather. Often these trees have been in areas with considerable people traffic. From safety and risk management perspectives, the removal of dangerous trees is necessary to mitigate the risk of serious injury or death of people using the golf course; 2. The current Council policy on tree removal appears not to consider the risk to public safety. As with all risk management strategies, safety must be a factor in decisions made; 3. As we have staff working on the course, our Club must comply with Work Health and Safety legislation. What is the situation if dangerous trees are not removed, and staff are injured? I am sure Worksafe Tasmania will investigate any incidents where staff are injured or killed. I am also certain the question will be raised as to why the hazards were not removed; and,	Noted

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	<p>4. Our Club’s risk management plan has identified several trees that have the potential to harm human life. If the planning process prohibits the removal of these dangerous trees and someone is injured or killed, who is liable for not mitigating the risk. The question is who is accountable should there be an injury or death due to falling limbs or trees. Is the Council liable as it imposes restrictions on tree removal, or is it our Club that has identified a severe risk but, because of restrictions, did not mitigate the risk? Our Club is committed to protecting the environment and will do everything possible to do so. However, we are a golf course providing the local community with sporting and social opportunities. As a responsible business operation, we cannot put people’s safety at risk. From a legal perspective, to do so might be seen as negligence if our Club does not address the problem and someone is injured or killed. Failing to correct threats to people’s safety, our Club could be deemed negligent. Moreover, the legalities associated with negligence could leave our Club in an indefensible position. In making decisions on amendments to Council by-laws, people safety must be an essential consideration.</p>	
<p>96</p>	<p>Thank you for this opportunity. The proposed changes do appear to be an overkill with respect to some issues regarding permitted removal of some trees on private property in the municipality. Rather than make an outright exemption for wholesale removal of trees that will unfortunately capture those that have been deemed for one or a number of reasons by accredited experts in the field to have special value, seek instead to highlight the value of these tree populations but reduce any incidental costs and associated administrative procedures with seeking permission to seek to remove them at the same time as seeking a covenant requiring replacement trees of the same species to be identified and protected by agreement for a period of time that will permit the trees to reach full maturity. The environmental value of many of the trees that are currently protected/recognised as important goes beyond habitat considerations for wildlife as it is well recognised that forested habitat offers humans mental benefits in addition to exercise and pleasure values not to even touch on the loss of the carbon sink that large trees in particular give to us. Finally I would ask you to project forward your thoughts some 20 to 50 years and think through the likely impact of this proposal should it be successful. Would you imagine that there would be improved tree cover, about the same or less cover as a result of this by law proposal. The jury would bring in a clear majority verdict in favour of the latter; in 2021 is this really the correct direction for us all to take?</p>	<p>Noted</p>
<p>97</p>	<p>I write, as a resident of Kingborough, to express my opposition to the removal of Part 7 of the Environmental By-Law. I request the Council retain its current protections for high value conservation trees</p>	<p>Noted</p>

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	<p>and does not act to weaken the environmental by-laws. I have moved to Kingborough because I value its natural beauty and surroundings and fear that the removal of Part 7 may make it easier to cut down high value conservation trees and trees listed on the significant tree register. These same trees provide an important habitat for the already critically endangered swift parrot, along with other species, and need laws affording them protection to be strengthened rather than weakened. With climate change running rampant and the environment under pressure across the globe this is not the moment to be chopping down trees. The Kingborough region currently has a reputation as an ecologically sustainable place to live and needs to guard this reputation by implementing and safeguarding laws to keep and to enhance this. The removal of Part 7 could prove ruinous to our biodiversity and landscapes - those very attributes that make Kingborough, and indeed Tasmania, the unique and beautiful place that it is. Please show some vision and leadership by good example by disallowing the proposed amendment.</p>	
<p>98</p>	<p>As a resident of Taroom, I highly value the protection and maintenance of our suburb's green character and its native vegetation ... especially including high conservation value trees. I strongly support the legal advice which the Taroom Community Association and Taroom Environment Network has received from the EDO. That advice specifically relates to Kingborough Council's proposed removal of By-Law 7. That proposal and the impact it will have on Kingborough's biodiversity and essential character is greatly distressing & unjustifiable.</p>	<p>Noted</p>
<p>99</p>	<p>Thank you for the opportunity to comment on this proposed change to the Environmental By-Law. I am deeply concerned by any changes that will jeopardise high conservation value trees on private land in the Kingborough municipality and I oppose the removal of the clause that would result in this. Proposed destruction of high conservation value trees that provide important habitat and offer immense aesthetic value should be subjected to rigorous scrutiny. The need to obtain a permit to impact on such trees is an important part of helping to protect our locality's natural values from clumsy and destructive development. There should be stronger provision for the protection of these trees, not less as this change would enable.</p>	<p>Noted</p>
<p>100</p>	<p>I have just found about the Kingborough Council's proposal to remove part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. I can't believe that the council would consider this action given that need for older trees to support bird and species habitat. Research has shown that it's not until trees reach an age of around 35 years and substantial diameter that they are suitable habitat for many species of birds and mammals, some of which are</p>	<p>Noted</p>

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	<p>threatened like the swift parrot, pardalote, wedge tailed eagle and others. Please reconsider this action and demonstrate through action that the council values the environment and the multiple species that inhabit it. The proposed action is a huge concern for our environment and endangered species.</p>	
<p>101</p>	<p>I wish to make a submission on behalf of the Taroom Community Association (TCA) in relation to the proposed removal of 'Part 7 – Trees on Private Property' of the Kingborough Council's Health and Environmental Services By-Law 2011. The TCA is greatly distressed by and opposed to this proposal due to the impact this will have on Kingsborough's biodiversity and essential character. We understand that the council proposal has been informed by legal advice that this by-law will be in conflict and inconsistent with the new planning scheme. It is our view that the reasoning is unjustifiable and incorrect. The TCA therefore joined with the Taroom Environment Network to obtain a legal opinion from the Environmental Defenders Office (EDO) on this matter which was based only on the information that that was made publicly available on the Council's website. The advice received from the EDO clearly states that the current by-law is not in conflict with any planning scheme in the municipal area. The legal advice states : "In our opinion, Part 7 of the current by-law falls within the broad powers of the Council to make by-laws for the good government of the municipal area under s145 of the LGA. Furthermore, Part 7 of the current by-law is not contrary to law or ... in conflict with any planning scheme in the municipal area, because it merely adds a requirement for a permit for certain works where no permit for those works has been granted under the KIPS. We therefore consider the current by-law to be valid. " Furthermore it states "Given the likely reduction in protection afforded to vegetation under the incoming Tasmanian Planning Scheme, it is even more important that the Council includes protections of a similar nature of Part 7 of the current by-law". The advice has also provided some recommended amendments to the By-Law that improve its effectiveness in the context of the new planning scheme. We want to ensure that Council is aware that your hands are not tied on this matter. The legal advice the council has obtained provides just one perspective which in our legal opinion is incorrect. The by-law can be retained and also can be strengthened. Our group also questions the transparency of the Council in engaging with the community on this important matter. We suggest some engagement sessions would have been very useful to distill misunderstanding and build trust. We are also perplexed why Council only obtained one legal opinion on a matter that will have such a significant impact on Kingsborough's character and natural values. I have attached the legal advice for council's consideration. Penalties under the Parks and Recreation and Natural Areas By-Law A Penalty Unit under the Penalty Units and other Penalties Act equates to \$173. We recommend increasing the number of penalty units attributed</p>	<p>Noted. EDO letter covered and attached in Serial 76.</p>

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	<p>to key offences as the penalty just does not adequately penalise or deter the offender from reoffending. For example: defacement of Council land only attracts 2 penalty units – this requires increasing it to equate to impact of the act; same goes for removing wood, taking wildlife; and depositing or removing materials.</p>	
<p>102</p>	<p>Please find attached a submission for - Permits to allow permanent occupation of Tiny Homes on Wheels. Documents attached</p> <ol style="list-style-type: none"> 1. Health and Environmental Services By-law No.2 of 2021 Submission: Permits to allow permanent occupation of Tiny Homes on Wheels 2. Attachments <p>I look forward to the Council's response. Kind regards Submission: Permits to allow permanent occupation of Tiny Homes on Wheels Background This submission relates to Health and Environmental Services By-law No.2 of 2021. In particular, it deals with the matter of caravans being occupied for extended periods and the issue of impact on local amenity, public health or the environment. The submission recognizes that there is considerable space for alternate and contemporary housing models in the currently stretched affordable housing system in the State. Current thinking about affordable, sustainable, environmentally sound housing options that serve to encourage health and well-being needs to be broadened. Existing planning legislation and building codes typically see accommodation options as either temporary or permanent. A 'caravan' may be lived in if placed at a caravan park or occupied on a temporary basis by a landowner while building a permanent larger dwelling that meets building code requirements. There is a perception that 'caravans' are not adequate for long term occupancy – in many cases they are not. The problem is that there is currently no way of dealing with new accommodation options - that should not be considered caravans in the traditional sense. These are purpose built, to high standards, have the capacity to meet affordable housing interests, social and environmental requirements and to add to health and well-being outcomes for individuals and the community. I specifically refer to Tiny Homes on Wheels (THOWs). The time is right for sensible and reasonable amendments to planning legislation and council by laws to encourage rather than prohibit such contemporary and responsive affordable housing forms. We know that Governments have an interest in making better use of available land for affordable housing initiatives. We know that a diverse range of housing options are required because 'one size doesn't suit all' and we know that there needs to be</p>	<p>Noted. The submission contained multiple photos/plans of tiny homes - unable to reasonably provide in this format.</p> <p>The By-law does not regulate building associated to the <i>Building Act 2016</i>. The By-law provides a permit process for assessing the habitation of caravans (that at times will include 'Tiny Homes') which exceed the allowed timeframes. This process includes but is not limited to the considerations in c.36.</p>

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	<p>flexibility in housing options to meet needs as requirements change through the life cycle. The State government has an Affordable Housing Strategy that crosses tenure options, that supports these ideas. In addition, there is a recent State Government initiative to expand housing through a grants process to increase ancillary dwelling units for affordable housing in a dual occupancy arrangement. The need for such accommodation and better use of available land is acknowledged. Kingborough Council – Health and Environmental Services By-law No.2 of 2021 – Submission - REDACTED</p> <p>Why not introduce THOWs as part of an affordable housing system as an option for owner occupiers or renters who determine them suitable for their own needs? THOWs could be selected as a housing option by landowners for occupancy on their own land or via a collaborative arrangement where the land owner and property owner are separate. Arrangements might particularly focus on acreages where land owners are comfortable contributing to the affordable housing system but want some distance from the tiny home occupant and an ancillary dwelling is not a viable or sustainable option. Personal circumstances I am a 52-year-old, tertiary educated, employed individual, who has chosen to build a tiny home on wheels (THOW) as my permanent home for two reasons:</p> <ol style="list-style-type: none"> 1. I want to live with a small footprint and minimal impact on the environment in which I live and 2. After many years living and working abroad (and owning my own home – a small and usable space in a vibrant European city), I have found that on returning to Tasmania, I am finding it incredibly difficult to affordably enter the real estate market. <p>There are many other Tasmanians like myself who want to live securely, sustainably and, responsibly and in a way that meets social and environmental guidelines and broader health and well-being measures. I am keen to find a way for this type of accommodation to be seen as a genuine, workable housing option and for State and local regulation and amenity guidelines to support it. It represents a reasonable housing choice for not only me, but for potentially many others in the community.</p> <p>Meetings with council officers</p> <p>With this in ethos in mind, I met with REDACTED and REDACTED at the Kingborough Council Chambers on two occasions (27 May & 10th June 2021), to understand the current stance on THOWs and the permit application process for permanent occupancy in THOWs on private land in the Kingborough Council jurisdiction. I was informed that the current position on tiny homes (both fixed and moveable) is that they are contemplated only for temporary living summarised by the two situations below and not for permanent occupancy:</p>	

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	<p>- Emergency accommodation (max. 6 months) or - Temporary living arrangements whilst constructing a main dwelling.</p> <p>Government mantras both at federal and state levels are consistently referencing housing affordability, accessibility and supply and there are a variety of housing models in place that serve to help address the issues, but they are insufficient to provide for current and Kingborough Council – Health and Environmental Services By-law No.2 of 2021 – Submission – REDACTED</p> <p>emerging issues. There is room for more. Contemporary thinking needs to form part of the housing solutions of the future. Providing policy settings that enable people who are prepared to live in well designed, safe and environmentally sound smaller spaces that they can afford to occupy is essential work that should be considered high priority. Tasmania’s current socio-economic climate Kingborough Council would be very aware of the housing crisis in the State and the need to provide affordable, equitable housing as well as viable solutions for a better use of existing available land.</p> <ul style="list-style-type: none"> · Housing Crisis <p>Housing stress is at an all-time high where demand far outstrips supply.</p> <ul style="list-style-type: none"> · Rental Options <p>The rental market is one of the tightest in the country and there is an under investment in social and public housing.</p> <ul style="list-style-type: none"> · Average House Price <p>The average price in Hobart is \$560,000. (Real Estate Institute of Tasmania 2021) This is \$65,000 higher than a year ago, making the city of Hobart more expensive than Perth, Brisbane, Darwin and Adelaide.</p> <ul style="list-style-type: none"> · Land Prices <p>Tasmania land prices in urban and rural areas are also soaring and are unaffordable for the majority of first home purchasers.</p> <ul style="list-style-type: none"> · Increased competition <p>Many local housing opportunities are removed from the market by ‘cached up’ mainlanders who purchase real estate sight unseen, pushing out local potential buyers.</p> <ul style="list-style-type: none"> · Home Ownership- The housing price surge means that home ownership is out of reach for not onlyfor many young people but also many other cohorts including older women –Australia’s fastest-growing cohort of homeless people today – estimated to bearound 400,000. · Average SalariesBelow the national average 	

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	<p>and this makes home ownership an impossibility for many and rental unaffordable. · Under Utilization Of suitably zoned land or government land which could be freed up for residential development. · Building Supply Issues In the last year, international border closures have placed serious constraints for the supply of steel and timber. · Building Materials Costs The COVID-19 pandemic has caused building materials to increase by up to 20 -30% and no stopping point at this stage. · Planning processes Kingborough Council – Health and Environmental Services By-law No.2 of 2021 – Submission - REDACTED- The length, complexity and lack of clarity of planning processes impeding housing supply to be more responsive to changing market demands. - Availability of consultants is challenging in the current market and therefore adds to delay in the process.</p> <p>· Financial Stress The household debt-to-income ratio has been increasing significantly in the last decade due to a downturn in employment (aging workforce, loss of manufacturing sector & more recently the effects of COVID 19) 76% of household debt is housing.</p> <p>More About Tiny Houses in Australia The Tiny House movement across Australia has been gaining momentum especially in recent years and with this increased interest in micro housing, the market is growing for housing models that are affordable, flexible and sustainable.</p> <p>Tiny Homes on Wheels (THOWs) Tiny Homes on Wheels are affordable, flexible and sustainable dwellings that are designed for permanent residential use, with self-contained amenities and services and the option to be grid connected.</p> <p>· Sustainable: designed to be self-sufficient with solar systems, waterless self-composting toilets, (reducing by 50% the average daily water usage of single person or dual occupancy), grey-water management systems (but can be connected to mains and the grid if required)</p> <p>· Compact Constructions Consumer, Building and Occupational Services Tasmania (CBOS) describes tiny houses as modestly sized dwellings that can appeal to those downsizing their home or wanting a simpler lifestyle. Structures built with wheels – Tasmania. In Tasmania, the following definitions currently apply to THOWs:</p> <p>· “Vehicle” means a motor vehicle or a trailer · “Trailer” means a vehicle that is built to be towed, or is towed, by a motor vehicle</p> <p>Trailer Specifications</p>	

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	<p>Kingborough Council – Health and Environmental Services By-law No.2 of 2021 – Submission - REDACTED</p> <ul style="list-style-type: none"> · Trailer dimensions (2.5m maximum width, 4.3m maximum height, 12.2m maximum length) · Axle ratings · Tow couplings · Lighting · Braking systems · Trailer identification plates <p>A ‘caravan’ is a trailer that is constructed principally for use as a dwelling.</p> <p>Consumer, Building and Occupational Services Tasmania states that if a structure is built with wheels (i.e. a trailer) and is capable of being registered as a vehicle by the Tasmanian Motor Vehicle Registry (Department of State Growth) then it is not a building and it does not need building approval for erection or installation. It is imperative that THOWs should formally brought into the affordable housing framework in a fair and reasonable way that encourages rather than prevents their legitimate long term use.</p> <p>Benefits of THOWs for Kingborough Council & the Community</p> <ul style="list-style-type: none"> · An alternative way for people to build equity in a housing solution that provides less debt and less financial risk. · Lower household debt-to-income ratio: The average price for a THOW is around \$120,000 (excluding off-grid solar kit) avoiding unnecessary debt. · An alternative affordable housing solution to form part of the affordable housing system. · Housing adaptable to life cycle changes. - Great intergenerational living - Reduced pressure on aged care - Can be moved to different locations if the personal situation changes - Young adults do not have to leave home - Housing solution for itinerant workers · Better utilization of existing available land – permits that allow for THOW installation on large rural blocks (which can’t be or are not yet legitimately subdivided but have adequate capacity to provide for a safe, self-sufficient, environmentally sound small dwelling) and larger suburban blocks. 	

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	<ul style="list-style-type: none"> · Amenity and aesthetics · Health and Safety – not just in terms of provision of an affordable roof over one’s head, but all that goes with this in terms of broader health and well-being outcomes. · Potential generation of income from permit fees. · Housing solution for the homelessness and other vulnerable cohorts Kingborough Council – Health and Environmental Services By-law No.2 of 2021 – Submission - REDACTED <p>Times have changed so it’s time to change the perception of THOWs and see them as an adaptive housing innovation that doesn’t compromise safety and amenity. The proposed amendments in the Health and Environmental Services By-law No.2 of 2021, in regard to permits for occupancy in caravans (trailers/registerable vehicles), leaves a large ambit of ambiguity because it doesn’t give clarity of decision in the permit application process nor confidence for tiny homeowners or the burgeoning industry. Tiny Homes on Wheels (THOWs) are well positioned to form part of a viable, long term solution for affordable, equitable and sustainable housing in Tasmania.</p> <p>Kingborough should acknowledge the growing interest in THOWs worldwide and work to find ways to adequately support their formal introduction in the immediate Local Government area as part of the broader housing solution. THOW Guidelines for development and approval. We have a collective responsibility to work together to develop safe, secure, socially and environmentally sound affordable housing options. Such housing forms the basis for full and meaningful participation in all areas in life and is an essential basic contributor to individual and community health and well-being. It is acknowledged that current legislation and policy settings do not provide for formal approval of THOWs as a legitimate long term and permanent housing option. That said, people already choose this as a sensible and reasonable housing option – without approval. Policy settings need to be addressed to allow the provision of THOWs as a long-term housing option. Until THOWs are permitted by Councils for long-term habitation, there will always be people living in unapproved dwellings and causing additional expense in compliance to Council.</p> <p>Draft guidelines for THOWs as a long-term living option The Australian Tiny Home Association provides simple guidelines that provide a potential solution. Living in Tiny Houses on Wheels</p> <p>(1) A person must obtain a permit to occupy land and live in a THOW on their own land, or with the landowners consent, for a period greater than 6 consecutive months.</p> <p>(2) The requirement to obtain a permit does not apply to:</p>	

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	<p>a) a person who lives in a THOW in a caravan park or tiny house village that is registered with the Council: or Kingborough Council – Health and Environmental Services By-law No.2 of 2021 – Submission - REDACTED</p> <p>b) a use specifically authorised in the Planning Scheme or where a permit has been granted under the Planning Scheme.</p> <p>(3) In determining whether to grant a permit to occupy land and live in a THOW Council must take into account the arrangements proposed to ensure:</p> <p>a) That adequate amenity is provided for the occupants* b) That disposal of all waste is to the satisfaction of the Council c) That occupancy will not create undue nuisance to neighbours d) That occupancy and use will not create a lasting adverse impact on the land.</p> <p>(4) A permit can be issued for a period of 5 years, with the opportunity of a renewal at the satisfaction of the Council.</p> <p>* safe, secure and environmentally sound.</p> <p>Conclusion and where to next</p> <p>As the 2nd fastest growing municipality in Tasmania, the Kingborough Council has a responsibility and an amazing opportunity to offer a contemporary housing response that promotes social and environmental benefits while allowing for growth. Progressive and forward thinking, with the implementation of this simple, streamlined permit process the Kingborough Council would link into the State government’s recently announced package to increase housing supply statewide: supply of new homes, support home ownership and put downward pressure on rents.</p> <p>Kingborough could be the undisputed leader not only in the State but in the nation and set the scene for others to follow. I am confident that there is significant interest in the community in this initiative and would be interested in being part of a well-researched and established THOW pilot project with a view to THOW becoming a practical, well-considered housing option in the local area. I welcome the opportunity to meet with Council to discuss further and if desired, arrange a meeting with tiny home stakeholders (owners & builders).</p>	
103	Proposed removal of By-law 7 – Trees on Private Property I am writing to add my voice to that of the Tarooma Community Association which is expressing concern about the proposed removal of By-Law 7. I	Noted

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	<p>believe that the by-law requires strengthening, not removal, and refer to the legal advice obtained by the Tarooma Community Association from the Environmental Defenders office. Over the past few years we have seen a reduction in trees in the suburbs of Kingborough, in particular Tarooma, which has seen the removal of many trees on private property in recent years. A case in point is the two eucalypt trees near the street frontage of 180 Channel Highway in Tarooma. When the developer sought planning permission to construct a 3 storey building containing 8 units, Kingborough Council required the preservation of the two trees close to the street. During site preparation the builders cut back the soil to a depth of several metres and to within 50-80 centimeters of the trunk, removing much of the root ball of the two trees. Once the building was completed and landscaping commenced, soil was piled up around the trunks well above the original soil level, further compromising the trees. Eventually these trees may succumb, and with the units sold and developer moving on, the cost of removal may fall to the unit owners or to Council. There would appear to be no adequate penalty for the damage to these two trees, and no requirement for offset by the developer. I urge Council to retain the by-law with strengthening clauses to increase penalties and impose offsets for unlawful removal or damage to trees.</p>	
<p>104</p>	<p>I am emailing to express my concern in regard to the proposed changes to the Council's By-Laws. As a resident of Kingborough for over 39 years, I thoroughly enjoy living in the leafy suburb of Tarooma with its beautiful natural environment. I would like to object to the proposal to remove Part 7 from Trees on private property from the Environment By-Law. Council needs to maintain the current by-Law to protect trees of High conservation value and those on the significant tree register.</p>	<p>Noted</p>
<p>105</p>	<p>I can't over estimate the importance of retaining part 7 of the Council By-Laws. I suggest the protection of trees particularly, in Kingborough be strengthened as an essential part of the biodiversity of our environment. I came to Tasmania nearly 40 years ago from a busy city and chose Tarooma to live in because of the trees here. In fact it was the magnificent Eucalyptus globulus around Tarooma Beach that were pivotal in deciding to move here. Over the years I've watched the trees disappear one by one. Each time one goes it degrades both the environment and our quality of life aesthetically, environmentally and physically. Global warming, and increasing development are diminishing biodiversity around us, with decreases in all our wildlife, insect life and birdlife. Kingborough has so much to offer in this regard. It is essential to retain, promote and build on what it has. Put parcels of land aside for recreation and sustain biodiversity. Encourage the planting of trees not their removal. This should apply to all new developments, require trees</p>	<p>Noted</p>

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	and appropriate plantings to replace the concrete which is taking over our landscape. With regard to enlisting significant trees, I believe there is a need to address the time gap between this and the inclusion of the tree on the register. Severe penalties should apply for any damage or removal during and subsequently to the tree (in the case of poisoning). This happens all too frequently. Please do not remove part 7 of the Council By-Law. Trees create Likeable Environments.	
106	I write to ask Kingborough Council to retain Part 7 of its environmental by-law, to keep protection for its large native trees and the habitats they provide. I am concerned that the removal of the present protection for trees, such as large habitat trees/those listed on the significant tree register, would be very damaging to ecological sustainability within the area, and could lead to similar removal of protections in other areas of Tasmania.	Noted
107	I refer to the proposed changes to Kingborough Council's By-Laws. On behalf the Coningham and Lower Snug Community Association (CALSCA) I am writing to raise our community's concern with the proposed exclusion from the proposed Health and Environmental Services By-Law No. 2 of 2021 of Part 7 (Trees on private property – removal of trees on private property) [ie section 25] in the current Health and Environmental Services By-Law No. 3 of 2011. Council's website indicates that the reason for the removal of Part 7 [s25] is because this matter will be governed via the Kingborough Interim Planning Scheme 2015. I understand that Council's legal opinion is that retention of Part 7 in the new by-law would be in conflict and inconsistent with the regime created by the planning scheme. This assertion needs to be explained, particularly in relation to trees on private land not requiring a permit. Private land clearing in Kingborough by owners and developers is already too easily achievable. Council has not provided sufficient information (via it's website or recently released Fact Sheet on the removal of Part 7) to allay reasonable concerns that current protections will or can be maintained and even improved. The fact sheet indicates that the planning scheme will not apply if no planning permit is applicable. In other words, the exclusion of Part 7 [specifically s25(2)(a)] will mean that there is no regulatory framework controlling tree removal on private land where no planning permit is required. Other than a voluntary assessment process. This is a backward step. CALSCA considers that the proposed changes appear to unjustifiably favour greater clearing of land areas rather than respecting and improving the natural assets of our community. Removing Part 7 will also make part of the biodiversity offset policy section 3.1.1 obsolete. So if the planning scheme doesn't apply neither will the biodiversity offset policy. https://www.kingborough.tas.gov.au/wp-content/uploads/2017/05/Biodiversity-	Noted

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	<p>Offset-Policy.pdf. The new By-law No 2 should aim to discourage developers and private landholders from damaging high conservation value trees or trees that are on the significant tree register, even where a permit can be issued allowing removal. The current fees and fines are too low to discourage developers and private landholders from removing trees whether a permit is granted or not, and particularly where a permit is not required. When a permit is granted, Part 7 requires developers to pay an offset financial contribution. Existing fees or fines are insufficient to value the true cost of losing the trees. CALSCA would like to see permit fees for removal of significant trees more than doubled. Also, penalties (fines and other sanctions) should also be increased to discourage illegal removal.</p>	
<p>108</p>	<p>I attach a submission to the review of the proposal to remove Part 7 of the Health By-law. Regards Removal of Part 7 of the Health By-law As a resident of Bruny Island, I have appreciated the limitation Part 7 of the Health By-law provides over the removal of high conservation trees. My wife and I have had a requirement to remove a large blue gum (<i>Eucalyptus globulus</i>) and, following an assessment and decision by Kingborough Council staff, its replacement with 5 blue gum and 20 other seedlings. This we accepted as being for a very good cause, that being the protection of trees that provide habitat for swift parrots. Similarly, we support the retention of White Gum (<i>Eucalyptus viminalis</i>) for their connection to the endangered 40 spotted pardalotes. While, in my opinion, these are the principal varieties which deserve to be strongly protected, some other eucalypts and other species do provide nesting hollows for various birds and small mammals, and the retention of many of these, particularly in an urban environment should not be lightly discarded. While Council has legal advice to the effect that there is a conflict between the State planning scheme and the By-laws, there is alternative advice from another source that there is no conflict. From a practical point of view, it appears that By-law 7 (2)(a) would create problems for Council and developers, and the justification for its retention is questionable. However, sub clauses (b) and (c) should be retained if legally acceptable. In the event that it is agreed that there is a legal problem, it would be preferable to amend the planning scheme to ensure these protections are retained and extended across the State, rather than remove By-law 7. It is important that there be further discussion on whether and how this protection should be retained.</p>	<p>Noted</p>
<p>109</p>	<p>Conservation Landholders Tasmania (CLT) is a not-for-profit educational trust for the benefit of landholders who have conservation covenants on their land as well as other landholders who share a similar commitment to conservation. There are currently over 900 landholders in Tasmania with covenants on their</p>	<p>Noted</p>

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	<p>land under the Nature Conservation Act 2002 covering approximately 110,000 hectares of the State. Organized by volunteer landholders acting as trustees, CLT has provided provide accessible, informative and inspirational educational and networking opportunities since 2012. In March 2020 CLT held a field day in Kettering showcasing the conservation efforts of Kingborough Council through the Kingborough REDACTED, a private covenanted landholder within in the Kingborough Council local area. We understand that council has recently completed a review of the Health and Environmental Services Bylaw 3 of 2011. The Trustees for Conservation Landholders Tasmania are concerned to learn that Council has recommended the removal of part 7 (Trees on private land) given a perceived clash with the State Planning Scheme. Given the complexity and detail of the State Planning Scheme we respectfully request an extension for submissions on this issue to allow time to be assured that the proposed changes do not undermine the strong and exemplary commitment of Kingborbough Council to the local environment and conservation. It would be regrettable if the proposed changes to the Council Bylaw were interpreted by local landholders as an opportunity to remove trees with impunity. This could result in an even more fragile and fragmented habitat for endangered species including the Swift Parrot. It would be in direct contradiction to the intent and purpose of the Kingborough environmental Fund. We sincerely hope that Kingborough Council continues to be a leader in environmental conservation in Tasmania and any weakening of this commitment should be avoided.</p>	
<p>110</p>	<p>This submission relates to Health and Environmental Services By-law NO.2 of 2021. In particular, it deals with the matter of caravans being occupied for extended periods and the issue of impact on local amenity, public health or the environment. The submission recognizes that there is considerable space for alternate and contemporary housing models in the currently stretched affordable housing system in the State. Current thinking about affordable, sustainable, environmentally sound housing options that serve to encourage health and well-being needs to be broadened. Existing planning legislation and building codes typically see accommodation options as either temporary or permanent. A 'caravan 'may be lived in if placed at a caravan park or occupied on a temporary basis by a landowner while building a permanent larger dwelling that meets building code requirements. There is a perception that' caravans' are not adequate for long term occupancy - in many cases they are not. The problem is that there is currently no way of dealing with new accommodation options - that should not be considered caravans in the traditional sense. These are purpose built, to high standards, have the capacity to meet affordable housing interests, social and environmental requirements and to add to health and well-being outcomes for individuals and the</p>	<p>Noted. Linked to Serial 102 (same respondent but with further information). This submission contains multiple images and newspaper articles that could not be reasonably copied.</p> <p>The By-law does not regulate building associated to the <i>Building Act 2016</i>. The By-law provides a permit process for assessing the habitation of caravans (that at times will include</p>

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	<p>community. I specifically refer to Tiny Homes on Wheels (THOWs). The time is right for sensible and reasonable amendments to planning legislation and council by laws to encourage rather than prohibit such contemporary and responsive affordable housing forms. We know that Governments have an interest in making better use of available land for affordable housing initiatives. We know that a diverse range of housing options are required because 'one size doesn't suit all' and we know that there needs to be flexibility in housing options to meet needs as requirements change through the life cycle. The State government has an Affordable Housing Strategy that crosses tenure options, that supports these ideas. In addition, there is a recent State Government initiative to expand housing through a grants process to increase ancillary dwelling units for affordable housing in a dual occupancy arrangement. The need for such accommodation and better use of available land is acknowledged. Why not introduce THOWs as part of an affordable housing system as an option for owner occupiers or renters who determine them suitable for their own needs? THOWs could be selected as a housing option by landowners for occupancy on their own land or via a collaborative arrangement where the land owner and property owner are separate. Arrangements might particularly focus on acreages where land owners are comfortable contributing to the affordable housing system but want some distance from the tiny home occupant and an ancillary dwelling is not a viable or sustainable option.</p> <p>Personal circumstances I am a 52-year-old, tertiary educated, employed individual, who has chosen to build a tiny home on wheels (THOW) as my permanent home for two reasons:</p> <ol style="list-style-type: none"> 1. I want to live with a small footprint and minimal impact on the environment in which I live and 2. After many years living and working abroad (and owning my own home - a small and usable space in a vibrant European city), I have found that on returning to Tasmania, I am finding it incredibly difficult to afford ably enter the real estate market. <p>There are many other Tasmanians like myself who want to live securely, sustainably and, responsibly and in a way that meets social and environmental guidelines and broader health and well-being measures. I am keen to find a way for this type of accommodation to be seen as a genuine, workable housing option and for State and local regulation and amenity guidelines to support it. It represents a reasonable housing choice for not only me, but for potentially many others in the community.</p> <p>Meetings with council officers With this in ethos in mind, I met with REDACTED and REDACTED at the Kingborough Council Chambers on</p>	<p>'Tiny Homes') which exceed the allowed timeframes. This process includes but is not limited to the considerations in c.36.</p>

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	<p>two occasions (27May & 10th June 2021), to understand the current stance on THOWs and the permit application process for permanent occupancy in THOWs on private land in the Kingborough Council jurisdiction. I was informed that the current position on tiny homes (both fixed and moveable) is that they are contemplated only for temporary living summarised by the two situations below and not for permanent occupancy:</p> <p>Emergency accommodation (max. 6 months) or Temporary living arrangements whilst constructing a main dwelling.</p> <p>Government mantras both at federal and state levels are consistently referencing housing affordability, accessibility and supply and there are a variety of housing models in place that serve to help address the issues, but they are insufficient to provide for current and emerging issues. There is room for more. Contemporary thinking needs to form part of the housing solutions of the future. Providing policy settings that enable people who are Prepared to live in well designed, safe and environmentally sound smaller spaces that they can afford to occupy is essential work that should be considered high priority. Tasmania's current socio-economic climate Kingborough Council would be very aware of the housing crisis in the State and the need to provide affordable, equitable housing as well as viable solutions for a better use of existing available land.</p> <ul style="list-style-type: none"> • Housing Crisis <p>Housing stress is at an all-time high where demand far outstrips supply.</p> <ul style="list-style-type: none"> • Rental Options <p>The rental market is one of the tightest in the country and there is an under investment in social and public housing.</p> <ul style="list-style-type: none"> • Average House Price <p>The average price in Hobart is \$560,000.(Real Estate Institute of Tasmania 2021) This is \$65,000higher than a year ago, making the city of Hobart more expensive than Perth, Brisbane, Darwin and Adelaide.</p> <ul style="list-style-type: none"> • Land Prices <p>Tasmania land prices in urban and rural areas are also soaring and are unaffordable for the majority of first home purchasers.</p> <ul style="list-style-type: none"> • Increased competition <p>Many local housing opportunities are removed from the market by 'cached up' mainlanders who purchase</p>	

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	<p>real estate sight unseen, pushing out local potential buyers.</p> <ul style="list-style-type: none"> • Home Ownership <p>- The housing price surge means that home ownership is out of reach for not only for many young people but also many other cohorts including older women - Australia's fastest-growing cohort of homeless people today - estimated to be around 400,000.</p> <ul style="list-style-type: none"> • Average Salaries <p>Below the national average and this makes home ownership an impossibility for many and rental unaffordable.</p> <ul style="list-style-type: none"> • Under Utilization <p>Of suitably zoned land or government land which could be freed up for residential development.</p> <ul style="list-style-type: none"> • Building Supply Issues <p>In the last year, international border closures have placed serious constraints for the supply of steel and timber.</p> <ul style="list-style-type: none"> • Building Materials Costs <p>The COVID-19 pandemic has caused building materials to increase by up to 20 -30% and no stopping point at this stage.</p> <ul style="list-style-type: none"> • Planning processes <p>The length, complexity and lack of clarity of planning processes impeding housing supply to be more responsive to changing market demands.</p> <p>Availability of consultants is challenging in the current market and therefore adds to delay in the process.</p> <p>Financial Stress I, The household debt-to-income ratio has been increasing significantly in the last decade due to a downturn in employment (aging workforce, loss of manufacturing sector & more recently the effects of COVID 19) 76% of household debt is housing.</p> <p>More About Tiny Houses in Australia</p> <p>The Tiny House movement across Australia has been gaining momentum especially in recent years and with this increased interest in micro housing, the market is growing for housing models that are affordable, flexible and sustainable.</p> <p>Tiny Homes on Wheels (THOWs)</p> <p>Tiny Homes on Wheels are affordable, flexible and sustainable dwellings that are designed for permanent residential use, with self-contained amenities and services and the option to be grid connected.</p>	

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	<ul style="list-style-type: none"> • Sustainable: designed to be self-sufficient with solar systems, waterless self composting toilets, (reducing by 50% the average daily water usage of single person or dual occupancy), grey-water management systems (but can be connected to mains and the grid if required) • Compact Constructions • Aesthetically attractive • High quality and innovative designs • Quick build time (average construction time 4-6 months which could be reduced even further with economies of scale) • Use less resources (building materials) • Small footprint • Low environmental impact <p>Consumer, Building and Occupational Services Tasmania (CBOS)describes tiny houses as modestly sized dwellings that can appeal to those downsizing their home or wanting a simpler lifestyle.</p> <p>Structures built with wheels - Tasmania</p> <p>In Tasmania, the following definitions currently apply to THOWs:</p> <ul style="list-style-type: none"> • "Vehicle" means a motor vehicle or a trailer • "Trailer" means a vehicle that is built to be towed, or is towed, by a motor vehicle Trailer Specifications • Trailer dimensions (25m maximum width, 4.3m maximum height, 12.2m maximum length) • Axle ratings <p>Tow couplings</p> <ul style="list-style-type: none"> • Lighting • Braking systems • Trailer identification plates <p>A 'caravan' is a trailer that is constructed principally for use as a dwelling.</p> <p>Consumer, Building and Occupational Services Tasmania states that if a structure is built with wheels (Le.a trailer) and is capable of being registered as a vehicle by the Tasmanian Motor Vehicle Registry (Department of State Growth) then it is not a building and it does not need building approval for erection or installation.</p> <p>It is imperative that THOWs should formally brought into the affordable housing framework in a fair and reasonable way that encourages rather than prevents their legitimate long term use.</p> <p>Benefits of THOWs for Kingborough Council & the Community</p>	

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	<ul style="list-style-type: none"> • An alternative way for people to build equity in a housing solution that provides less debt and less financial risk. • Lower household debt-to-income ratio: The average price for a THOW is around \$120,000 (excluding off-grid solar kit) avoiding unnecessary debt. • An alternative affordable housing solution to form part of the affordable housing system. • Housing adaptable to life cycle changes. <p>Great intergenerational living Reduced pressure on aged care Can be moved to different locations if the personal situation changes Young adults do not have to leave home Housing solution for itinerant workers</p> <ul style="list-style-type: none"> • Better utilization of existing available land - permits that allow for THOW installation on large rural blocks (which can't be or are not yet legitimately subdivided but have adequate capacity to provide for a safe, self-sufficient, environmentally sound small dwelling) and larger suburban blocks. • Amenity and aesthetics • Health and Safety - not just in terms of provision of an affordable roof over one's head, but all that goes with this in terms of broader health and well-being outcomes. • Potential generation of income from permit fees. • Housing solution for the homelessness and other vulnerable cohorts Times have changed so it's time to change the perception of THOWs and see them as an adaptive housing innovation that doesn't compromise safety and amenity. <p>The proposed amendments in the Health and Environmental Services By-law NO.2 of 2021, in regard to permits for occupancy in caravans (trailers/registerable vehicles), leaves a large ambit of ambiguity because it doesn't give clarity of decision in the permit application process nor confidence for tiny homeowners or the burgeoning industry. Tiny Homes on Wheels (THOWs) are well positioned to form part of a viable, long term solution for affordable, equitable and sustainable housing in Tasmania. Kingborough should acknowledge the growing interest in THOWs worldwide and work to find ways to adequately support their formal introduction in the immediate Local Government area as part of the broader housing solution.</p> <p>THOW Guidelines for development and approval. We have a collective responsibility to work together to develop safe, secure, socially and environmentally</p>	

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	<p>sound affordable housing options. Such housing forms the basis for full and meaningful participation in all areas in life and is an essential basic contributor to individual and community health and well-being. It is acknowledged that current legislation and policy settings do not provide for formal approval of THOWs as a legitimate long term and permanent housing option. That said, people already choose this as a sensible and reasonable housing option - without approval. Policy settings need to be addressed to allow the provision of THOWs as a long-term housing option. Until THOWs are permitted by Councils for long-term habitation, there will always be people living in unapproved dwellings and causing additional expense in compliance to Council.</p> <p>Draft guidelines for THOWs as a long-term living option</p> <p>The Australian Tiny Home Association provides simple guidelines that provide a potential solution.</p> <p>Living in Tiny Houses on Wheels</p> <p>(1) A person must obtain a permit to occupy land and live in a THOW on their own land, or with the landowners consent, for a period greater than 6 consecutive months.</p> <p>(2) The requirement to obtain a permit does not apply to:</p> <p>a) a person who lives in a THOW in a caravan park or tiny house village that is registered with the Council: or</p> <p>b) a use specifically authorised in the Planning Scheme or where a permit has been granted under the Planning Scheme.</p> <p>(3) In determining whether to grant a permit to occupy land and live in a THOW Council must take into account the arrangements proposed to ensure:</p> <p>a) That adequate amental is provided for the occupants*</p> <p>b) That disposal of all waste is to the satisfaction of the Council</p> <p>c) That occupancy will not create undue nuisance to neighbours</p> <p>d) That occupancy and use will not create a lasting adverse impact on the land.</p> <p>(4) A permit can be issued for a period of 5 years, with the opportune} of a renewal at the satisfaction of the Council.</p> <p>* safe, secure and environmentally sound.</p> <p>Conclusion and where to next</p> <p>As the 2nd fastest growing municipality in Tasmania, the Kingborough Council has a responsibility and an amazing opportunity to offer a contemporary housing response that promotes social and environmental benefits while allowing for growth.</p>	

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	<p>Progressive and forward thinking, with the implementation of this simple, streamlined permit process the Kingborough Council would link into the State government's recently announced package to increase housing supply statewide: supply of new homes, support home ownership and put downward pressure on rents. Kingborough could be the undisputed leader not only in the State but in the nation and set the scene for others to follow. I am confident that there is significant interest in the community in this initiative and would be interested in being part of a well-researched and established THOW pilot project with a view to THOW becoming a practical, well-considered housing option in the local area. I welcome the opportunity to meet with Council to discuss further and if desired, arrange a meeting with tiny home stakeholders (owners & builders).</p>	
<p>111</p>	<p>Submission - Health and Environmental Services By-law No.2 of 2021 To whom it may concern, Please find attached my submission in relation to the Health and Environmental Services By-law No.2 of 2021. Kind regards Submission: Permits to allow permanent occupation of Tiny Homes on Wheels</p> <p>Background This submission relates to Health and Environmental Services By-law No.2 of 2021. In particular, it deals with the matter of caravans being occupied for extended periods and the issue of impact on local amenity, public health or the environment. The submission recognizes that there is considerable space for alternate and contemporary housing models in the currently stretched affordable housing system in the State. Current thinking about affordable, sustainable, environmentally sound housing options that serve to encourage health and well-being needs to be broadened. Existing planning legislation and building codes typically see accommodation options as either temporary or permanent. A 'caravan' may be lived in if placed at a caravan park or occupied on a temporary basis by a landowner while building a permanent larger dwelling that meets building code requirements. There is a perception that 'caravans' are not adequate for long term occupancy – in many cases they are not. The problem is that there is currently no way of dealing with new accommodation options - that should not be considered caravans in the traditional sense. These are purpose built, to high standards, have the capacity to meet affordable housing interests, social and environmental requirements and to add to health and well-being outcomes for individuals and the community. I specifically refer to Tiny Homes on Wheels (THOWs). The time is right for sensible and reasonable amendments to planning legislation and council by laws to encourage rather than prohibit such contemporary and responsive affordable housing forms. We know that Governments have an interest in making better use of available land for affordable housing initiatives. We know that a diverse range of</p>	<p>Noted. The By-law does not regulate building associated to the <i>Building Act 2016</i>. The By-law provides a permit process for assessing the habitation of caravans (that at times will include 'Tiny Homes') which exceed the allowed timeframes. This process includes but is not limited to the considerations in c.36.</p>

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	<p>housing options are required because ‘one size doesn’t suit all’ and we know that there needs to be flexibility in housing options to meet needs as requirements change through the life cycle. The State government has an Affordable Housing Strategy that crosses tenure options, that supports these ideas. In addition, there is a recent State Government initiative to expand housing through a grants process to increase ancillary dwelling units for affordable housing in a dual occupancy arrangement. The need for such accommodation and better use of available land is acknowledged. Why not introduce THOWs as part of an affordable housing system as an option for owner occupiers or renters who determine them suitable for their own needs? THOWs could be selected as a housing option by landowners for occupancy on their own land or via a collaborative arrangement where the land owner and property owner are separate. Arrangements might particularly focus on acreages where land owners are comfortable contributing to the affordable housing system but want some distance from the tiny home occupant and an ancillary dwelling is not a viable or sustainable option.</p> <p>Personal circumstances I am a 56-year-old, tertiary educated, employed individual, who has chosen to build a tiny home on wheels (THOW) as my permanent home for two reasons:</p> <ul style="list-style-type: none"> • I want to live with a small footprint and minimal impact on the environment in which I live, and; • After having lived in Queensland and Victoria (owning my own property in QLD) and relocating to Tasmania in 2018 I have found it incredibly difficult to enter the real estate market without overcapitalizing myself and taking on a large mortgage that will probably eat up most of my superannuation once I think about retiring. There are many other Tasmanians like myself who want to live securely, sustainably and responsibly and in a way that meets social and environmental guidelines and broader health and well-being measures. I am keen to find a way for this type of accommodation to be seen as a genuine, workable housing option and for State and local regulation and amenity guidelines to support it. It represents a reasonable housing choice for not only me, but for potentially many others in the wider community. Tasmania’s current socio-economic climate Kingborough Council would be very aware of the housing crisis in the State and the need to provide affordable, equitable housing as well as viable solutions for a better use of existing available land. • Housing Crisis Housing stress is at an all-time high where demand far outstrips supply • Rental Options The rental market is one of the tightest in the country and there is an under investment in social and public housing 	

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	<ul style="list-style-type: none"> • Sustainable: designed to be self-sufficient with solar systems, waterless self-composting toilets, (reducing by 50% the average daily water usage of single person or dual occupancy), grey-water management systems (but can be connected to mains and the grid if required) • Compact Constructions • Aesthetically attractive • High quality and innovative designs • Quick build time (average construction time 4-6 months which could be reduced even further with economies of scale) • Use less resources (building materials) • Small footprint • Low environmental impact <p>Consumer, Building and Occupational Services Tasmania (CBOS) describes tiny houses as modestly sized dwellings that can appeal to those downsizing their home or wanting a simpler lifestyle. Structures built with wheels - Tasmania</p> <p>In Tasmania, the following definitions currently apply to THOWs:</p> <ul style="list-style-type: none"> • “Vehicle” means a motor vehicle or a trailer • “Trailer” means a vehicle that is built to be towed, or is towed, by a motor vehicle <p>Trailer specifications</p> <ul style="list-style-type: none"> • Trailer dimensions (2.5m maximum width, 4.3m maximum height, 12.2m maximum length) • Axle ratings • Tow couplings • Lighting • Braking systems <p>Trailer identification plates</p> <p>A ‘caravan’ is a trailer that is constructed principally for use as a dwelling. CBOS states that if a structure is built with wheels (i.e. a trailer) and is capable of being registered as a vehicle by the Tasmanian Motor Vehicle Registry (Department of State Growth) then it is not a building and it does not need building approval for erection or installation. It is imperative that THOWs should formally brought into</p>	

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	<p>housing forms the basis for full and meaningful participation in all areas in life and is an essential basic contributor to individual and community health and well-being. It is acknowledged that current legislation and policy settings do not provide for formal approval of THOWs as a legitimate long term and permanent housing option. That said, people already choose this as a sensible and reasonable housing option – without approval. Policy settings need to be addressed to allow the provision of THOWs as a long-term housing option. Until THOWs are permitted by Councils for long-term habitation, there will always be people living in unapproved dwellings and causing additional expense in compliance to Council. Draft guidelines for THOWs as a long-term living option</p> <p>The Australian Tiny Home Association provides simple guidelines that offer a potential solution. Living in Tiny Houses on Wheels</p> <p>(1) A person must obtain a permit to occupy land and live in a THOW on their own land, or with the landowners consent, for a period greater than 6 consecutive months.</p> <p>(2) The requirement to obtain a permit does not apply to:</p> <p>a) a person who lives in a THOW in a caravan park or tiny house village that is registered with the Council: or</p> <p>b) a use specifically authorised in the Planning Scheme or where a permit has been granted under the Planning Scheme.</p> <p>(3) In determining whether to grant a permit to occupy land and live in a THOW Council must take into account the arrangements proposed to ensure:</p> <p>a) That adequate amenity is provided for the occupants* b) That disposal of all waste is to the satisfaction of the Council c) That occupancy will not create undue nuisance to neighbours d) That occupancy and use will not create a lasting adverse impact on the land.</p> <p>(4) A permit can be issued for a period of 5 years, with the opportunity of a renewal at the satisfaction of the Council. * safe, secure and environmentally sound.</p> <p>Conclusion As the 2nd fastest growing municipality in Tasmania, the Kingborough Council has a responsibility and an amazing opportunity to offer a contemporary housing response that promotes social and environmental benefits while allowing for growth. Progressive and forward thinking, with the implementation of this simple, streamlined permit process the Kingborough Council would link into the State government’s recently announced package to increase housing supply statewide: supply of new homes, support home ownership and put downward pressure on rents. Kingborough could be the undisputed leader not only in the State but in the nation and set the scene for others to follow. I am confident that there is significant interest in the community in this initiative and I would be interested in being part of a well-researched and established THOW pilot project with a view to THOWs becoming a practical, well-considered housing option in the local area. I welcome the opportunity to meet with Council to discuss further.</p>	

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<p>112</p>	<p>I am writing to voice my opposition to the council's proposal to remove Part 7 from the Health and Environmental Services by-law. I agree with the Blackmans Bay Community Association and many Kingborough residents that we should be making greater efforts to protect mature and significant trees, not reducing our protection of them. As demonstrated in the community consultation re the Kingston CBD, trees are an important and valued factor in our appreciation of where we live. Just as the council quite rightly plans to include trees in the redesign of the CBD, please continue to offer existing trees at least the protection they currently receive.</p> <p>The council's proposal to remove Part 7 appears to be due to concern about the legality of the existing by-law. I understand that the Tarooma Community Association and the Tarooma Environment Network have obtained legal opinion on this issue from the Environmental Defenders Office which clearly states that the current by-law is not in conflict with any planning scheme in Kingborough therefore there is no need to revise the by-law in this way.</p> <p>As you know the state government is implementing changes to the planning regulations which will allow for much higher density development, with less restrictions on impervious surfaces in many areas. Mature trees need as much protection as possible otherwise our urban and suburban areas will be dominated by concrete and will be far less desirable places to live. Please also consider the impact that less protection for trees would have on our wildlife, plus the additional impacts of climate change everywhere including Kingborough.</p>	<p>Noted</p>
<p>113</p>	<p>I write as the owner of a property in Kingborough that is protected by a conservation covenant and also as the representative of Conservation Landholders Tasmania (CLT) on the Kingborough Environmental Fund steering committee. The Trustees of CLT have made a separate submission on behalf of the whole organisation. I wish to object to the proposed change to the Health and Environmental Services By-Law that would remove the existing Part 7 "Trees on Private Property". Although there are some controls on tree clearing through the Kingborough Interim Planning Scheme there are significant gaps in those requirements (exempt and no-permit-required trees) which are covered by the existing By-Law. Specifically, Clause 5.4.3 of the Kingborough Interim Planning scheme exempts trees within a private garden. In the absence of the existing Part 7 By-Law there can be unfettered removal of such trees. The Significant Tree Register contains only a couple of dozen trees and offers negligible general protection. I am aware of situations in NSW where local government tree preservation orders were overridden by poorly drafted bushfire protection</p>	<p>Noted</p>

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	<p>measures, resulting in large scale removal of trees by homeowners under negligible threat from bushfire. This demonstrates the effectiveness of tree preservation orders or similar (e.g. Part 7 of the Kingborough By-Law) in preserving the amenity of the treescape for all residents in spite of some individual owners having a view to the contrary. The Kingborough Environmental Fund has been an exemplary case of environmental protection. It has also been to some extent supported by the offset fees for removal of trees under Part 7 of the By-Law. Removing Part 7 from the By-Law would be inconsistent with the approach Kingborough has previously taken to protection of the natural environment. It is important that the Health and Environmental Services By-Law retains the existing Part 7.</p>	
<p>114</p>	<p>I'm writing to request that you please do NOT implement Serial 6 to remove part 7 – Trees on private property of the current Environmental By-Law (see screenshot below). My main objection is that it would allow high conservation value trees and those listed on the Significant Tree Register to be removed without regulation. I strongly urge you to please reconsider this and hold our trees (all trees) in higher importance than just something to be cast aside without any consideration in the name of development. While I understand the importance of development, I do not understand the reasoning behind removing this clause and fear it will be used to the detriment of our beautiful Kingborough by those who are more concerned with revenue than with trying to maintain as much balance as possible between urbanisation and our delicate & fragile ecosystem. Please do not remove this from the existing Environmental By-Law.</p>	<p>Noted</p>
<p>115</p>	<p>The Tarooma Environment Network and its membership urge you NOT to remove the current environmental by-law that protects trees of significance on private property (By-Law Part 7). We are extremely disappointed that Council did not seek a second legal opinion, given the grave consequences of removing this by-law. Removing this by-law will cease to provide adequate protection of significant native trees on private property from development proposals. Residents and community groups should not have to rally against Council on a matter so fundamental. The beautiful leafiness of our municipality and its diverse and abundant wildlife is the very reason many residents choose to live here — and why our real estate prices are skyrocketing as mainland residents and overseas buyers seek to join us in these green, nurturing spaces. It is also this beautiful leafiness and abundant wildlife which inspires us to be landcarers — spending many hours caring, restoring and educating. We do this for our wildlife, ourselves and for future generations. With the incoming State Planning Scheme, the loose laws around protection of that which sustains us all is something which Council should be seeking to strengthen with a by-law — not dilute by removing a by-law. To this end,</p>	<p>Noted. EDO letter covered and attached as per serial 76.</p>

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	<p>the Taroon Environment Network and the Taroon Community Association sought a second legal opinion from the Environmental Defenders Office. Their advice is attached and you will see that it is contrary to that which Council received. It is worthy of your scrutiny. Of note, the EDO advice considers that the current by-law is NOT contrary to, or in conflict with, the Kingborough Interim Planning Scheme 2015. The EDO also point out that given the likely reduction in protection afforded to significant vegetation under the incoming Tasmanian Planning Scheme, it is even more important that Council retain the by-law and indeed strengthen it. We urge your consideration of the recommendations within this alternative legal opinion to ensure a brighter more secure future, setting a progressive example to other municipalities.</p>	
<p>116</p>	<p>Landscapes of this Municipality are much influenced by retention and the additions of tree cover. Planning in the past has been guided by By-Laws established to confirm these values. The astonishing beauty of the Kingborough Municipality is of great importance to me. In our beautiful Tasmanian Island very few coherent areas can match this: our Municipality within its boundaries combine the wider beauties of the Derwent River Estuary: its coastlines and Islands, majestic Mount Wellington and that skyline, the contributing valleys and hills, AND THEIR TREELINES. Those of us who choose to live here are very fortunate indeed. The important trees we have inherited until now are greatly respected and retained. Over years past, Councils and their visionary Councilors have accumulated By-Laws to protect these special places, and recognize their assets. When Kingborough Council's By-Laws are reviewed, I believe continuing emphasis on these special landscapes should be carefully acknowledged and retained. Of course reviews are necessary. But the history of previous decisions should be well understood before changes are made. Council and visionary previous Councilors wrote By-Laws to retain and protect our landscapes, important tree canopies, and particular trees. Acknowledged in the past by our present By-laws, our population has assumed these protected places were secure. Which seems relevant when By-Law (# 7?) which protects the future of such landscapes is under review. Any suggestion that the By-Law 7(?) is about to be totally deleted should be questioned, discussed and considered further. Approvals of smaller building blocks in Planning Schemes must acknowledge that homes and buildings will now dominate each approval. This will result in smaller gardens, and permission given to lose threatened trees will alter the wider atmosphere of each developing suburb. Changing numbers of many such landscapes is surely a backward step, and our greater loss within the Municipality. So, future Official Planning must be adjusted to consider such damaging effects, to</p>	<p>Noted</p>

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	<p>be sure the splendid beauty of the Municipality's over-all landscape is retained. Any suggested deletion of carefully created By-Laws should be well understood before changes are made.</p>	
<p>117</p>	<p>I am writing to ask Council to retain protections for high value conservation trees and I do not want Council to remove Part 7 of the Environmental By-Law. I value the area's large native trees and do not want to see environmental by-laws weakened. The large native trees provide important habitat for native species and are the reason the area is such a great place to live. The proposal to remove current protections for trees, such as large habitat trees and trees listed on the significant tree register would be a step in the wrong direction, backward. If this By-Law change happens, then such changes could become common across Tasmania. As a local resident, I want to speak up for this beautiful environment. Kingborough is beautiful and has a strong, vibrant community that loves the natural surroundings; that's why we live here. I urge Council to respect the area's biodiversity, the landscapes and preserve the community's sense of place.</p>	<p>Noted</p>
<p>118</p>	<p>We wish to register our opposition to the proposed changes to Kingborough Council's by-laws which would make it easier to damage and remove high conservation-value trees and trees listed on the significant tree register. The proposal to remove Part 7: Trees on Private Property from the Kingborough Council Environmental By-Law will remove the by-law which regulates the damage or removal of high conservation value trees or trees that are on the significant tree register. This would allow these actions to proceed without any permit or any meaningful scrutiny by Council. If these changes are allowed they will result in the further loss of important habitat trees for the critically endangered swift parrot and the many other species which use and rely on these trees. This will contribute further to the on-going loss of biodiversity within the Kingborough area and the resultant diminution and loss of natural values. Remaining high conservation-value trees are very high-value natural assets which belong to the community and which Council has a responsibility to protect from purely private interests. Council should be acting in the public interest in these matters. The removal of these by-laws will greatly diminish the Council's capacity and responsibility to protect and act in the public interest. These changes to the By-laws would also be contrary to the stated outcomes of the Kingborough Council Strategic Plan 2020 - 2025, namely:</p> <ol style="list-style-type: none"> 3. Sustaining the natural environment whilst facilitating development for our future <ol style="list-style-type: none"> 3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth. 3.2 A community that has a well-developed sense of natural and cultural heritage. 	<p>Noted</p>

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	<p>3.3 Council is able to demonstrate strong environmental stewardship and leadership.</p> <p>3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.</p> <p>3.5 Management of environmental assets is based on professional advice and strategic planning.</p> <p>The removal of these by-laws would be contrary to all of the above outcomes, and would demonstrate that the Strategic Plan is a largely meaningless document in guiding Council's actions. We therefore ask the Council to retain existing protections for high conservation-value trees. We do not want to see Part 7 of the Environmental By-Law removed. We and many others greatly value this area's large native trees and do not want to see the environmental by-law weakened in favour of developer's and other private interests.</p>	
119	<p>I urge Council to retain the current bye law relating to high conservation value trees on private property. Indeed it is my opinion that this bye law should be strengthened rather than removed. Latest legal advice indicates that there is no conflict between the bye law and the proposed Tasmanian Planning Scheme. Protection of our natural environment and important habitat is paramount in this era of rampant development. A very concerned resident of Taroona</p>	Noted
120	<p>Removal of part 7 – Trees on private property (of the current Environmental By-law) - Submission</p> <p>It is my submission that the removal of this by-law would be detrimental to the provision of, among other things, the “good governance” of and in the Kingborough.</p> <ol style="list-style-type: none"> 1. While the notion of “good governance” can mean widely different things to different ratepayers, it is my contention that it, at least, includes the governmental care of the physical, human, and social features of the Municipality. 2. Among these activities is, where it is possible for the Council to contribute, to assist in the removal of activities that impinge on climate related risks that are increasingly a feature of municipal good governance. 3. The removal of vegetation generally, and trees in particular, is one area that Council can play a significant role in the prevention of the heat island affect caused by vegetation removal. 4. Council, through a positive policy of retaining the Municipality’s vegetation capital, can contribute to the maintenance of the carbon-sink capacity locally, nationally and world-wide. While Kingborough’s contribution is small on a global scale, it IS a contribution and is respected for its worth to a safer world. <p>I note that there are two legal advices. First from Council’s solicitors that that: ... the planning scheme “covers the field” in relation to regulation of tree removal and therefore Part 7 is</p>	Noted

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	<p>invalid. That is, the planning scheme provides such comprehensive or exhaustive coverage of vegetation protection that Part 7 cannot remain in the new by-law. And, second, from the Environmental Defenders Office:</p> <p>This is not the correct test in determining whether the by-law is valid. The "cover the field" test is applied when assessing if a State law is repealed by a Commonwealth law under s 109 of the Constitution, rather than the reading of two State laws as is the case here. This has been addressed in a number of High Court cases which have found there is "a very strong presumption" that a State legislature would not intend to contradict itself in separate laws enacted within its jurisdiction. Whichever of these opinions is applicable to vegetation management in Kingborough can only be determined by the testing of the validity of the By-Law in either a civil court or the Resource Management and Planning Appeals Tribunal. In conclusion, I submit that:</p> <ol style="list-style-type: none"> 1. The Council should reject to proposition to remove "Part 7 – Trees on private property (of the current Environmental By-law)" from the By-Laws; and 2. That, in the event that "Part7 – Trees on private property (of the current Environmental By-law)" is removed or rendered ineffectual on the implementation of the new Statewide Planning Scheme, Council should challenge the removal in the appropriate tribunal(s); and 3. That, with respect to the adoption of the Statewide Planning regime, Council should challenge any provisions that limit Council's capacity or jurisdiction to enhance, remediate, or rehabilitate environmental deficits, whenever the opportunity arises. 	
<p>121</p>	<p>I am writing to raise my concern at the proposed removal of Part 7 of the Environmental By-Law. I am very concerned about the removal of protection for trees of high conservation value and those trees on the significant tree register. Most of us who live in Taroona love the large number of trees in our suburb. I am also concerned that this change will result in the loss of important habitat trees for the critically endangered swift parrot and other species. Please retain the protections for high value conservation trees and do not remove Part 7 of the Environmental By-Law. We greatly value Kingborough's large native trees and don't want to see the environmental by-laws weakened. This idea also is a complete contradiction with the declaring of a climate emergency. Please reconsider and retain this by-law.</p>	<p>Noted</p>
<p>122</p>	<p>Regarding your Council's proposed changes to your Environmental By-Laws, please accept this as my formal submission, to ask that your Council does not remove Part 7, pertaining to removal of trees, particularly of</p>	<p>Noted</p>

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	<p>high conservation value and those that are rated as significant (as identified on the significant tree register). Though a resident of Tasmania for more than 30 years, the State I grew up in, South Australia, has extremely strict regulation and laws about damage or removal of trees, on private property or otherwise, I'm sure because of the noticed extreme deleterious impact felt by the State's general population over time (for subsequent land degradation, shade/temperature extreme changes, water table deterioration, bird and animal habitat, aesthetic beauty, and joy losses). All these and more factors can tragically be appreciated only after having been lost. That such removal of Part 7 would also have deleterious effect on the critically endangered Swift Parrot is also of huge concern to me. We surely must do whatever best we can to stop Australia's current high extinction rate of species of fauna about which most of us feel international shame. Besides all the above, our State's tourism industry we know is highly dependent on the preserving of our natural beauty, this of course encompassing our interdependent fauna and flora. To weaken any of our regulations and By-Laws is clearly massively inconsistent with our green and beautiful 'wild' image we push (and rely upon) to our interstate and international visitors. This is a distinctive image we've chosen to claim, and with time, unless we work to keep it with honesty, and responsibility for our own sustainable biodiversity, our privileged position of living on a beautiful island will be squandered, lost to an environmental homogeneity, thus losing SO much!</p>	
<p>123</p>	<p>Please 'VOTE YES' to retain 'Part 7' and ensure existing protections as noted in the Environmental By-Law remain intact. High value conservation trees are critical for the provision of nesting and feeding habitat potential for all native fauna that utilise them. Without tree protection they will be subject to an ongoing demise of the fauna that bring balance to critical eco systems within our natural places. Once their habitat is gone, the faster the species will be at risk of extinction and these inherent eco systems will be compromised. It's our responsibility as private land owners and Kingborough Council to ensure the means for our native fauna to survive the consistent onslaught of land clearance and preserve Tasmania's unique biodiversity. Please 'VOTE NO' to remove 'Part 7' from existing protections as noted in the Environmental By-Law.</p>	<p>Noted</p>
<p>124</p>	<p>We are very concerned that the proposed removal of Part 7: Trees on Private Property from the Health and Environmental Services By-law is unnecessary and will seriously weaken the protection provided to native vegetation in Kingborough. Legal advice provided by the Environmental Defender's Office to the Tarooma Community Association and the Tarooma Environment Network concluded that the current by-law is not</p>	<p>Noted. EDO letter covered and attached in Serial 76.</p>

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	<p>contradictory to or in conflict with the Kingborough Interim Planning Scheme 2015 (KIPS), but that it provides a further layer of protection for trees not captured in the KIPS provisions. Kingborough Council's Part 7 FAQs confirm that protections will be weakened if Part 7 is removed: "Where development (including tree removal) is exempt or NPR [no permit required] under the planning scheme, in the event that Part 7 is removed, this tree removal will no longer be regulated, including the removal of high conservation value trees and trees listed on the Significant Tree Register in some circumstances." The FAQs also suggest that protections will be further reduced when the new Tasmanian Planning Scheme comes into effect: "Essentially all the tree provisions within the zones will go under the LPS and similar provisions will only exist where there is a Specific Area Plan and the development is not otherwise exempt or no permit required. Therefore, under the LPS the urban-type zones will no longer have tree provisions for most of Kingborough. Similarly, the priority vegetation provisions in the Natural Assets Code will not apply as broadly as the current Biodiversity Code..." The Environmental Defender's Office advice concludes: "Given the likely reduction in protection afforded to vegetation under the incoming Tasmanian Planning Scheme, it is even more important that the Council include protections of a similar nature to part 7 of the current by-law." We urge Kingborough Council to retain Part 7 of the Health and Environmental Services By-law to enhance environmental sustainability in planning and development.</p>	
<p>125</p>	<p>I do not support the removal of the Bi Law to allow the cutting down of trees 80cm diameter without permission. I think this would be a step backwards. I value Kingsborough for its bushland and wildlife. I think the bushland/large trees should be more protected, not less. There is already too much land clearing, tree cutting and subdivision of land into small un-treed blocks which threatens to remove the reason why people move to Kingsborough. On a larger scale with growing concerns over climate change why would the council consider a backwards move like this? Large trees are part of the ecosystem including the understory and removal of these trees for self serving reasons should not be allowed. Please protect our special environment and feeling of Kingsborough.</p>	<p>Noted</p>
<p>126</p>	<p>We write to express our great disappointment about the above proposal. Over many years Kingborough Council, through the fantastic efforts of its NRM workforce, has used it's knowledge and experience to do all it can to protect the largest of the mature native trees within our Municipality. We care groups have supported this work and added to it as much as we can. Will protection of the habitat of forty-spotted pardalotes and covenants on private property be lost? Will the skylines behind Taroona, Margate and Bruny</p>	<p>Noted.</p>

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	<p>etc be lost? Will a limit to tree removal be set at which point a definitive ratio of native vegetation to development will not be exceeded? Has such a limit of viable populations of all (no matter the size, or whether pretty or insignificant) our Kingborough Municipality native flora and fauna been determined to ensure their survival? The proposed cessation of protection of the trees which had been regarded until now as valuable in the face of rampant, and increasing, greed and thoughtlessness in Tasmania, is incomprehensible. These trees, along with all our native flora and fauna of all sizes, are so very necessary for the health of Tasmania's natural environment, and the mental and physical health of we humans. Once they are gone – they are gone. What will future residents and generations say of us? Will they respect us for allowing development – roads and housing – to replace the very things that at least some of us admire, and which apparently many other people around the world admire and wish to have for themselves? Will Tasmanian residents live on treeless blocks to sit inside and watch films of our vanishing native flora and fauna on large-screen televisions? Why do people buy land with visible large trees if they do not like the trees? Can a check-list be prepared for prospective purchasers of land in Kingborough? Perhaps land with the characteristics the purchaser really wants can be found elsewhere. There are many other suburbs in Tasmania which already no longer have native flora and fauna. Can there be another way of managing development? What is the change in the legislation?</p>	
<p>127</p>	<p>I wish to register a submission regarding the proposed changes relating to the removal of Part 7 of the environment By Law where approval is required to remove trees greater than 80cm or a significant species. I do not agree with the proposed changes because</p> <ul style="list-style-type: none"> - we should consider the environmental benefits trees provide such as climate amelioration by providing shade and protecting from frosts, hydrological benefits by acting as soil water pumps - they provide habitat for many species of animals - they provide us with beautiful surroundings - no-one travels to Tasmania to view housing estates or trophy houses <p>I feel the existing By Law provides sufficient opportunity for land owners to remove dangerous trees with the approval of council officers.</p>	<p>Noted</p>
<p>128</p>	<p>I would like to raise my concerns about the proposed changes to the Environment By-Law to remove Part 7: "Trees on Private Property" and the consequences of those changes. Regarding a small part of the municipality, I have lived in Howden for nearly 30 years and know the area well. I am quite concerned by</p>	<p>Noted</p>

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	<p>the implications and consequences of this proposed change. In the mid nineties this area was admired for the extensive bushland and glorious animal and birdlife. Over the years there has been a significant reduction of the bushscape and the consequent challenges for wildlife in this area. Some changes have been major - caused by increased housing development, and some minor - new owners who loved Howden because of the trees would immediately want to remove the main reason they were attracted to live here. Usually for water views. There was little consideration of the landscape, or the other life forms so readily abundant in this area. I know there have been many occasions where land has not been cleared of trees because of this legislation. Removal of this by-law will have a negative effect on the landscape and the 'livability' for all residents - human, animals, birds and the endemic flora. I understand conflicting legislation and regulations may override Kingborough Council considerations of applications to remove trees. Or worse still there are no applications required ? We are a small state and we surely have the opportunity to understand and be more considerate of the landscape we live in and the other users of the area we care for. I hope the Council will continue to consider the ramifications of removing this by-law.</p>	
<p>129</p>	<p>We have heard that Council is seeking community opinion on the removal of part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. We find this intent outrageous. Trees of this size and of many types are essential habitat for wild life and must be safeguarded wherever possible. We recognise that on occasions trees of this size need to be removed, e.g. danger of buildings, traffic etc. and this is entirely understandable. But to give a blanket approval is just not on. Please keep this component of the bylaws and require permits!</p>	<p>Noted</p>
<p>130</p>	<p>Thank you for reading my representation below about the proposed removal of part 7 – Trees on private property (of the current Environmental By-law). I am opposed to the removal of part 7. Applications to remove trees of high conservation value or trees on the significant tree register ought always to receive very very careful scrutiny. Mature native trees are an integral part of the local ecosystem and precious to native wildlife.</p>	<p>Noted</p>
<p>131</p>	<p>Thank you for the opportunity to provide comment on the proposed by-law changes currently being advertised. My concerns relate to the potential removal of Part 7 of the Environmental By-law which protects high value conservation trees and large native trees. I do not want to see Environmental By-laws weakened and Kingborough's natural surroundings and biodiversity compromised and/or depleted because of a priority for development at any cost. This submission recognises that if Part 7 of the Environmental By-</p>	<p>Noted</p>

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	<p>law is removed, high conservation value trees, or trees on the significant tree register on private property, can be removed without a permit. Kingborough's community highly values the maintenance of municipal natural surroundings and biodiversity: ideals that are codified In the Kingborough Council's Strategic Plan 2020-25. Removal of Part 7 of the Environmental By-law directly conflicts with the following priorities and strategic outcomes incorporated into Kingborough's Strategic Plan:</p> <p>Strategic Priority No.3: Sustaining the natural environment whilst facilitating development for our future.</p> <p>Strategic Outcomes: 1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond.</p> <p>3.2 A community that has a well-developed sense of natural and cultural heritage.</p> <p>3.3 Council is able to demonstrate strong environmental stewardship and leadership.</p> <p>3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.</p> <p>3.5 Management of environmental assets is based on professional advice and strategic planning.</p> <p>I request Councillors abide by the values enshrined in your Strategic Plan and retain Part 7 of the Environmental By-law.</p>	
132	<p>I have heard the council is proposing to remove part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80 cms in diameter or significant species. As a long term Kingborough rate payer, I object to this proposed change in your environment guidelines.</p>	Noted
133	<p>The TCT opposes the proposal to amend the Kingborough Council Health and Environment Services By-law by removing 'Part 7 – Trees on Private Property'. Part 7 should be retained in its entirety in the proposed new by-law until a more appropriate consultation process is undertaken.</p> <p>The TCT opposes the removal of Part 7 of the by-law because, if removed, it will substantially reduce the legal protection afforded to trees on private land in the Kingborough municipality. The Council's document 'Part 7 Frequently Asked Questions', explains the importance of the Part 7 provisions very well and we submit them in support of retaining Part 7:</p> <p>What Happens if Part 7 is removed</p> <p>Where development (including tree removal) is exempt or NPR under the planning scheme, in the event that Part 7 is removed, this tree removal will no longer be regulated, including the removal of high conservation value trees and trees listed on the Significant Tree Register in some circumstances.</p>	<p>Noted. Council's Consultation process was in accordance with the <i>Local Government Act 1993</i>, the certified RIS and the <i>Good Practice Guidelines – Making By-Laws (3)</i> published by the Tasmanian Government.</p>

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	<p>In addition, as there is a time gap between when a tree is listed on the Significant Tree Register in accordance with Council Policy and the planning scheme being amended to include this tree in Table E24.1, in the event that Part 7 is removed, trees listed on the Register but not yet listed in Table E24.1 may be removed without any permit requirements.</p> <p>Council should consider carefully these compelling arguments for retaining Part 7 of the by-law. The document continues to explain that there will be a council 'process to determine whether planned clearing or tree removal is exempt or no permit required (NPR)'. This process would merely provide clarity around when landowners may remove trees or clear vegetation without a permit being required.</p> <p>The Council fails to provide reasons for the removal of part 7</p> <p>The Council's apparent reason for proposing to remove Part 7 of the by-law seem limited to two brief comments in council documents.</p> <p>The document 'Part 7 Frequently Asked Questions' states (emphasis added): 'In the proposed Health By-law, on advice, the tree provisions have been removed' (page 2). Ordinary Council Meeting Agenda No.10 -7 June 2021 states that (emphasis added): 'There have been numerous updates to the existing By-laws to reflect changes in legislation and contemporary community expectations. This includes the removal of provisions relation to the regulations of native trees on private land from the Health and Environmental Services By-law following legal advice. The supposed legal advice is not provided and there is no reference to the content of that advice. Failure to provide the legal advice or the key arguments is fundamentally unfair on the community as they do not have access to key information to make an informed submission.</p> <p>If the legal advice does exist, does it in any way justify the proposed removal of part 7? Why are amended tree protection provisions not being considered? Why was the community not advised of the nature of the supposed legal advice?</p> <p>The quotation from the 7 June 2021 council agenda starts by referring to 'updates to the existing By-laws to reflect changes in legislation and contemporary community expectations'. But there is no reference to any 'changes in legislation and contemporary community expectations' relevant to tree removal. We doubt that any such changes exist that justify the extent of the proposed changes.</p> <p>Performance of part 7 not addressed by the council</p> <p>The Council has provided no detail about how Part 7 has performed, that might justify its removal. The Council has provided no details about the number of applications under Part 7 that are made in a given year,</p>	

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	<p>how many are approved and refused and how many enforcement actions are taken where authorization is not provided. There is no analysis of how efficient and effective the part 7 process has been to administer for council and what the community's experience has been. This information might have been helpful for the community in preparing submissions on the proposed changes.</p> <p>The Council has also not provided any details of the environmental benefits of the controls provided for in Part 7, including how many trees have not have been removed because of the provisions and, where they are removed under permits, what the benefits of offsets have been. We note in the Kingborough Council Annual Report 2019-20 the impressive outcomes of the Environment Fund in a period of time that seems to be not much longer than 12 months. Some of these conservation outcomes are attributable to the Part 7 by-law provisions. This information might have been helpful for the community in preparing submissions on the proposed changes.</p> <p>From our own experience there are many reasons why private land owners want to remove trees when it does not relate to a matter regulated under the planning scheme. Some tree removal is for reasons that may generally be justified by the community e.g. safety of the land owner and others or protection of important infrastructure. The current by-law provides a process for applications for permits to be made and if approved there is provision for offsets to provide environmental protection through other conservation actions via the council Environment Fund. There may also be people wishing to remove environmentally valuable trees for reasons that cannot be justified and the by-law provides a process for these applications to be assessed and refused. And if people take actions to remove trees without authorization, enforcement action can be taken against them. Why does the council want to throw this very sensible system out?</p> <p>In contrast, it would have been (and still may be) reasonable for the council to review whether community expectations were being met, in particular whether the tree values being protected were deemed important and if the reasons for why the trees could be removed under permit were widely supported.</p> <p>Consultation process for the by-laws inadequate</p> <p>The Kingborough Council Annual Report 2019-20 (page 40) notes that the 'Review of the By-law is taking place over a two year period'. By comparison, there has been only one opportunity for public comment on the By-law which has been limited to a period of 24 days right at the end of the two year process. Why has consultation been so limited on a matter that would presumably be of great concern for the community?</p> <p>The existing by-law ceases to have effect on the 4 August 2021. If the council wishes to approve the</p>	

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	<p>proposed by-law before this date it has to pass a motion at the planned 2 August 2021 council meeting. This means that the council has left itself only 14 days:</p> <ul style="list-style-type: none"> - for staff to read all submissions and analyse them; - to get internal or external advice regarding matters raised; - to consider any proposed changes; - prepare a report to include with the council agenda papers; - allow the councilors time to read the agenda papers prior to the council meeting on 2 August. <p>The council has left all public consultation to the very last moment and this means that the Council officers have no practical opportunity to consider the matters raised in submissions and recommend changes before the existing by-law expires. Clearly the Council needs to provide additional time for community consultation.</p> <p>Further consultation is required</p> <p>The TCT recommends that the Council decides to not progress the proposed removal of part 7 of the by-law. Instead Council should commence a new consultation process on the existing part 7 provisions of the by-law, to determine if any changes are warranted.</p> <p>There should be an initial consultation phase where the community is asked its views on the existing part 7 provisions and then later, if any substantial changes are proposed, that a second period of consultation is held for the community to comment on the draft amended by-law. With the initial phase the community should be provided with background information about the administration and outcomes of the existing tree protection provisions. If this leads to any changes being recommended a summary of public comments should be released along with the draft amended by-law.</p> <p>The difficulty the Council will have with this recommendation is that the existing by-law expires on 4 August 2021. One option the council has is to adopt the proposed new by-law but reinsert part 7 into it and set a new expiry date that is only 3-6 months away.</p> <p>This would provide sufficient time for a thorough consultation process to be undertaken to review the part 7 provisions. Critical to any additional consultation would be to provide any legal advice the council has to allow the community to make an informed response.</p>	
134	<p>My submission concerns proposed changes to the Kingborough Council by-laws, in particular the removal of Part 7 of the Environment By-law. I believe trees are a vital part of the cityscape and surrounding areas, especially in light of the proposed housing developments in the Kingborough area, some of which are high</p>	Noted

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	<p>density. We need more trees, not less. Trees fulfil many roles, such as cultural, aesthetic, climatic and ecological. I think the proposal to remove Part 7 from the Environmental By-law is a backward step that has the potential to degrade the local area significantly. We need their beauty, shade and the environment they provide for birds and other animals. Retaining adequate trees, especially high value trees should be given a high priority.</p>	
<p>135</p>	<p>Landcare Tasmanian currently supports and advocates for 40 care groups and individual members in the Kingborough Council municipality. We work together with Landcarer’s to deliver a significant number of onground activities. We also provide support through training and info sessions that increase the capacity and knowledge of the community in caring for the land. We have an ongoing memorandum of understanding with the Kingborough council based on our complimentary services and support to environmental activities and outcomes within the municipality. The proposed amendment to the by-law related to trees on private property would have a significant impact on conservation values across the Kingborough municipality. In particular, the removal of the terms in Part 7, that specifically mention/ highlight the protection of conservation value trees. The current role of the bylaw is to protect trees on private land where exemptions apply and a planning permit is not required. Already, a number of exemptions exist under the current planning scheme but this will increase under the new state-wide planning scheme, highlighting the need to maintain Part 7 of the by-law. Also, currently the removal of high conservation value trees and trees listed on the Significant Tree Register may be exempt or have no permit required in some instances and the by-law fills an important gap in regulation, however if the proposal to amend the by-law is accepted, their potential removal will no longer be regulated where a planning permit is not otherwise required. Recent joint activities between the council and Landcare Tas include weed and citizen science training, as well as the development of an information sheet highlighting the importance of large trees and their role as being of high conservation value for biodiversity management i.e. hollows in trees. It seems counter-intuitive to put at risk key parts of the municipality’s natural assets in the form of high conservation trees, when large sections of the community are trying to maintain, protect and enhance the natural values of Kingborough. We urge the council to reconsider the proposed amendments and support the current by-law and its current benefits to the natural assets of Kingborough Council municipality.</p>	<p>Noted</p>

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136	<p>Attached is my submission concerning the proposed removal of Part 7: Trees on Private Property from the Kingborough Council Health and Environmental Services By-Law. In summary, I strongly urge Councillors to reject any changes to the Environmental Services By-Law that would weaken protections for significant and high conservation value trees on private land. These are key elements underpinning what the community says they want for Kingborough. See attached document. What does the community want? At the recent 'Meet the Candidates' public meeting (held 24 June 2021, Blackmans Bay Community Hall), candidates for the positions of Kingborough Mayor and Councillors voiced their commitment to working with the community to deliver 'what the community wants'. Most candidates specifically spoke of their desire to hear from residents about 'what the community wants'. To answer this call, members of the Blackmans Bay Community Association (BBCA) have prepared a draft document for discussion titled: Future Desired Character in Images. Many of these ideas were raised at the above community meeting, and many residents would definitely support the kind of Kingborough these photos and images depict. As reflected in the Future Desired Character in Images document, there is strong community support for:</p> <ul style="list-style-type: none"> • Retaining and/or strengthening protections for significant trees and native vegetation of high conservation and wildlife habitat value. These are recognised as key features and integral components of Kingborough's beautiful green leafy suburbs and attractive living environment, and provide precious habitat for native birds and wildlife. • There is general acknowledgement within the community that at times it may be appropriate for some trees or vegetation to be permitted to be removed. However, there is a strong community view that it is of the utmost critical importance that rigorous assessment and decision processes be undertaken and that Kingborough Planning Authority's decision-making must be well-founded and transparent to the public. • The community wants to see best practice, integrated strategic Planning provisions and mechanisms at all levels to achieve a shared vision for our collective well-being, including clear strategies and provisions for addressing threats and risks to what we value. <p>In keeping with the above, I strongly urge Kingborough Councillors and Planning Authority to:</p> <ol style="list-style-type: none"> 1. Retain and/or strengthen Part 7: Trees on Private Property in the Kingborough Council Environmental By-Law to ensure effective assessment and protection of mature, significant and high conservation trees and associated wildlife habitat on private land. 2. Significantly increase the charges applied by Council for assessment and – in certain cases where it is determined to be appropriate – approval of applications that involve the removal or damage to mature 	<p>Noted</p> <p>*Attached to the submission was a photo of a tree.</p>

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	<p>trees and/or native vegetation of conservation and/or aesthetic value.</p> <p>3. Strengthen Kingborough strategic Planning and protection provisions for natural and aesthetic values, and link with stronger requirements for 'off-setting' /'natural investment funding'/ for acquisition of private land for conservation purposes and/or restitution of equivalent vegetation and habitat values (including consideration of the timeframe for establishment of trees and vegetation of equivalent age/significance).</p> <p>4. Take actions as appropriate to ensure Kingborough's natural and aesthetic values are appropriately valued, maintained and where appropriate restored as part of Council's commitment to work with the community to deliver a shared vision of the desired future reflecting what the community wants, e.g. as reflected in Future Desired Character in Images.</p> <p>5. Proactively manage the very real risk of cumulative impacts degrading the attractive character of Kingborough as a result of multiple small Planning and other decisions that 'pick away' at and negatively impact Kingborough's outstanding natural and environmental assets.</p>	
<p>137</p>	<p>Attached is my submission concerning the proposed removal of Part 7: Trees on Private Property from the Kingborough Council Health and Environmental Services By-Law.</p> <p>In summary, I strongly urge Councillors to reject any changes to the Environmental Services By-Law that would weaken protections for significant and high conservation value trees on private land. These are key elements underpinning what the community says they want for Kingborough. See attached document.</p> <p>What does the community want?</p> <p>At the recent 'Meet the Candidates' public meeting (held 24 June 2021, Blackmans Bay Community Hall), candidates for the positions of Kingborough Mayor and Councillors voiced their commitment to working with the community to deliver 'what the community wants'. Most candidates specifically spoke of their desire to hear from residents about 'what the community wants'. To answer this call, members of the Blackmans Bay Community Association (BBCA) have prepared a draft document for discussion titled: Future Desired Character in Images. Many of these ideas were raised at the above community meeting, and many residents would definitely support the kind of Kingborough these photos and images depict. As reflected in the Future Desired Character in Images document, there is strong community support for:</p> <ul style="list-style-type: none"> • Retaining and/or strengthening protections for significant trees and native vegetation of high conservation and wildlife habitat value. These are recognised as key features and integral components of Kingborough's beautiful green leafy suburbs and attractive living environment, and also provide precious habitat for native birds and wildlife. 	<p>Noted. This submission is linked to submission 136 (prior).</p>

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	<ul style="list-style-type: none"> • There is general acknowledgement within the community that at times it may be appropriate for some trees or vegetation to be permitted to be removed. However, there is a strong community view that it is of the utmost critical importance that rigorous assessment and decision processes be undertaken, and that Kingborough Planning Authority’s decision-making must be well-founded and transparent to the public. • The community wants to see best practice, integrated strategic Planning provisions and mechanisms at all levels to achieve a shared vision for our collective well-being, including clear strategies and provisions for addressing threats and risks to community values. <p>In keeping with the above, I strongly urge all Councillors, Kingborough Council and Planning Authority to:</p> <ol style="list-style-type: none"> 1. Retain and/or strengthen Part 7: Trees on Private Property in the Kingborough Council Environmental By-Law to ensure effective assessment and protection of mature, significant and high conservation trees and associated wildlife habitat on private land. 2. Significantly increase the charges applied by Council for assessment and – in certain cases where it is determined to be appropriate – approval of applications that involve the removal or damage to mature trees and/or native vegetation of conservation and/or aesthetic value. 3. Strengthen Kingborough strategic Planning and protection provisions for natural and aesthetic values, and link with stronger requirements for ‘off-setting’ /‘natural investment funding’ for acquisition of private land for conservation purposes and/or restitution of equivalent vegetation and habitat values (including consideration of the timeframe for establishment of trees and vegetation of equivalent age/significance). 4. Take actions as appropriate to ensure Kingborough’s natural and aesthetic values are appropriately valued, maintained and where appropriate restored as part of Council’s commitment to work with the community to deliver a shared vision of the desired future reflecting what the community wants, e.g. as reflected in Future Desired Character in Images. 5. Proactively manage the very real risk of cumulative impacts degrading the attractive character of Kingborough as a result of multiple small Planning and other decisions that ‘pick away’ at and negatively impact Kingborough’s outstanding natural and environmental assets. 	
138	<p>We would like to express our desire to reject the removal of Part 7 of the Environment By-Law - it's a backward step for our council to take and will impact. Not only the look of the area but the health of the environment and the safety and well-being of the animals that use these trees for breeding shelter and food</p>	Noted

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139	<p>My attention has just been drawn to the above by a letter in the Kingborough Chronicle written by REDACTED, Kingston and I would like to say I agree wholeheartedly with it and would like to lodge my objection to changing the By-law. Coincidentally, I and my husband have, in the past few days written to the Council objecting to the removal of a stand of eucalypts (amongst other matters regarding the proposed new development above our unit) to make way for yet more concrete and bitumen. That will mean from Channel Highway to the carpark at the far end of Woolworths along Maranoa Road there will be no trees for the well being of wildlife as well as humans. Why, whenever there's a development, should everything green be removed. We are living in an era with the planet getting hotter and biodiversity becoming extinct because of our foolish actions. It would be criminal to allow developers and private owners of land containing precious endemic vegetation to remove it indiscriminately. This can't be stressed enough and I'm very surprised it came up as a proposition. Shame on whoever had the idea! I hope my objection and others are looked at carefully and considered by Council.</p>	Noted
140	<p>My first concern relates to the reason for proposing to remove Part 7 from the Environment By-Law in the first place. The reason given for the amendment is that the removal of trees on private property is governed via the Kingborough Interim Planning Scheme 2015 (except where exempt). It would be helpful if Council were to point specifically to the particular section in the Interim Planning Scheme that is proposed to govern the removal of trees on private property. Could you please provide me with this information. My second concern relates to the relationship between the existing Part 7 and Council's Significant Tree Register. Part 7 makes it an offence (amongst other things) to " cut down, top, lop, remove, ringbark, injure or wilfully destroy any tree that is listed on a register of significant trees applicable to the municipal area, unless authorised by a permit to do so." What happens in the unfortunate situation that Part 7 is removed? Currently there is a detailed community engagement and consultation process required to add or remove a tree from the Register. Is it the case that the particular section in the Interim Planning Scheme that it is intended to replace Part 7 has the same obligations?</p>	Noted
141	<p>In my capacity as Public Officer of the Taroona Environment Network, we have been working tirelessly to maintain biodiversity provided by the beautiful trees in our neighbourhoods, towns, hills and landscape of our municipality. Our region's beauty and attractiveness to investors, tourists and business people is in part because of our big trees. Mature and semi-mature trees hold much greater social, environmental and even commercial value for property values than currently considered by council arrangements. Their value needs</p>	Noted

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	to be raised, not lowered in a climate and carbon constrained future. Our Council has been one of the few in Tasmania to protect biodiversity and we should not take a step backwards. Please vote against removing part 7 of the by-law and instead move a motion to strengthen the provisions so that big trees are valued more rather than less.	
142	On further examination of the information provided by the Director Environment, Development and Community I am more opposed to this change at this time. (Please see my previous submission opposing the proposal) If the legal advice says there will be a clash between the by-law and the new planning scheme, then I can see it makes sense to have a single approach. However Council has not provided any information that I have seen to allay reasonable concerns that the current protections will or can be maintained and even improved. Private land clearing by owners and developers is already too easily achievable and the fines applicable are insufficient to value the true cost of losing the trees “ecosystem services”. This change appears to unjustifiably favour greater clearing of land areas rather than respecting and improving the natural assets of our region. Kingborough is special because of it’s natural beauty, and significant trees are a key feature of this public and private amenity. Can you please communicate publicly and succinctly how, upon removing Part 7, you propose to protect significant trees on private property in our municipality in the provisions under the new planning scheme? Also, has the impact of this change been assessed against the Climate Change commitments council has made?	Noted
143	I concur with REDACTED and seek the information that he has requested.	Written in support of serial 142.
144	I am a retired research scientist residing in Howden. I am writing to you to voice my opposition to the disappearance of protection of large trees from part 7, clause 25, of the Kingborough Council By-Laws. The charm of the area in which I live is largely due to the abundance of natural vegetation and the consequent abundance of wildlife that coexists with the suburbia. Old-growth trees provide both habitat and foraging for a range of arboreal animals, breeding and foraging sites for birds and mitigate the formation of urban heat island. Furthermore, recent studies show that these mature trees offer these benefits with minimal increase in fire risk due to their long stems and elevated combustible foliage. Thus, they are precisely the trees that should be protected by council to sustain natural and human wellbeing. I am aware that the lower limbs of Eucalypts can offer a means for fire to enter the canopy and that they are naturally ejected from the trunk as the trees mature. I also recognise that some trees are hazardous to existing or intended structures. Thus, opportunity should remain for property owners to access the services of an arborists to	Noted

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	prune trees to mitigate hazards. This is a far cry from removing all reference to tree preservation on private property from the By-Laws. I therefore ask that you reinstate the preservation of large trees, noting the above exceptions allowing pruning.	
145	I wish to make a second submission regarding the proposal to remove Part 7: Trees on Private Property from the Environment By-Law. My first submission was dated 7 July. My second submission relates to an email that I have received from REDACTED dated 6 July. In that email REDACTED states, in part: "the removal of that provision was on legal advice reflecting changes to the planning system and case law in the 10 years since it was made. The essence of the legal opinion is that where a by-law seeks to create a regulatory regime for the removal, destruction or lopping of trees, and that regime is in conflict and inconsistent with the regime created by the Planning Scheme (where there are specific exemptions), that part of the by-law is invalid and contrary to law." So that I might be able to make a considered and informed response, could you please provide me with that legal advice. I look forward to receiving that advice along with the information I requested in my first submission, in sufficient time to enable me to respond within the allotted public consultation period.	Noted. Council's legal advice is privileged.
146	HEALTH AND ENVIRONMENTAL SERVICES BY-LAW I ask that councillors consider in great detail the proposed removal of the current by-law Part 7- Clause 25 (High conservation value trees and trees on private property). I understand that it is thought that such trees will be protected under the interim planning scheme. I believe it is important to carefully scrutinise the removal of this law. Trees on private land still need to be protected. If there is no building work or development work being done on a piece of private land- who is protecting those trees? It is critical that Council maintain a level of authority when it comes to planning and conservation. In this case, they need this law. We are losing our trees at a rate of knots. They are integral in maintaining the character of Kingborough. We need to plan for our future, keep our carbon stores and freedom to breathe fresh air. I submit that there is a section added to Part 5 (Building site sanitation and waste management) which holds builders accountable for the waste they produce and their disposal of it. The amount of general rubbish that is found around building sites, on roads, in neighbouring properties is shameful and someone needs to be held accountable for it. (Out of interest- Sunview Project Homes is an example of extremely good, clean site management. If you want a benchmark for good management, Rob Woehler is the one to talk to.)	Noted. Refer to serial 2 of the parks submission.

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	<p>PARKS, RECREATION AND NATURAL AREAS BY-LAW Division 2, Section 10- Planting or tending vegetation I submit that this is an unnecessary law that adds red tape where it really doesn't need it. In States all around Australia verge gardens are creating communities, assisting with food security and making use of 'dead' areas. For example....https://www.abc.net.au/news/2021-03-27/perth-verge-gardens-grow-community-as-well-as-plants/100026918 https://www.facebook.com/CostasWorld/posts/326763655481805 We could be a local government area like these! How great it could be. Rather than creating a law that says 'Don't plant anything' how about we put plans and policy into place that allows for planting that can help communities? They may be edible verges, bird and bee attracting verges, traffic calming gardens - we could be creative! Let's not just shut it down before it starts...let your residents be creative, listen to ideas and encourage growth and community. Council already asks for people to help in maintaining our verges- let's not limit people to grass and lawn mowers...how boring. Be creative Kingborough- let's make headlines!</p>	
147	<p>I am writing express my concern at the proposal to remove Part 7: Trees on Private Property from the Environment By-Law. Scientists are telling us that we are running out of time to address a climate emergency that Council has itself acknowledged when it joined Hobart Council in declaring a climate emergency in 2019. In it's own words Council has acknowledged the reality of climate change: "The Kingborough municipality is experiencing the effects of climate change through more frequent and extreme weather events and bushfire threats. This is having a significant impact on our coastlines and critical infrastructure." Scientists also tell us that trees are a major carbon sink which will help to reduce the impact of climate change. Around the world cities are planting trees because of the health benefits they provide, below is an example of the many ways the presence of trees benefits us. https://www.nature.org/en-us/what-we-do/our-insights/perspectives/how-trees-make-cities-healthier/ I love living in Kingborough because of its location and where we benefit from nearby bush and trees, just seeing them lifts the spirit and gives us comfort and cools spaces on hot days. I have always seen Kingborough as a very progressive and caring Council, forward looking and often well ahead of other areas in moving for positive change to benefit its citizens. I thus find it very disappointing that where you are so progressive in so many ways that you would even consider such a retrograde step in removing protection</p>	Noted

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	<p>for trees which would allow individuals and developers to remove trees so easily from our landscape. Please reconsider this very bad policy decision, which once done cannot easily be undone. Trees take a long time to mature. I do hope you will give serious consideration to my concerns.</p>	
<p>148</p>	<p>I, REDACTED, a retired landscape architect living on Bruny Island, object to removal of Section 7 in the by law review. I do not wish the by law regards removal of vegetation to be deleted from the by laws, Our environment is our life in the long term, far more valuable to the next generation of people and habitat than gains from short term monetary greed embedded in our economic growth model. It is time to nurture community NOT the dollar sink.</p>	<p>Noted</p>
<p>149</p>	<p>I am searching for information on the removal of Part 7 , removal of trees on Private property and the current Environmental By-Laws. I have tried many times on the web to find this specific item to no avail. Where would I find the info please? I wish to know how the by - law is changing. This is a significant concern especially in areas zoned Environmental Management.</p>	<p>Noted. Information provided.</p>
<p>150</p>	<p>I am writing with serious concern that Council is proposing to delete Part 7 of the Environmental By-law, and thus remove the requirement to apply for the removal of trees on private land. Trees are important for a huge list of environmental and human values. The character of Kingborough is very dependent on the trees that grow in the municipality, and with the high level of expansion of human habitation and associated infrastructure trees are already being removed at an unsustainable rate. This is particularly obvious for new subdivisions and roads. It is already very easy to remove trees on grounds (sometimes spurious) of safety and meeting the often narrow objectives of new development. It is very important that Kingborough Council has oversight, decision making and enforcement of this process. Weakening of the controls on tree removal may be attractive to Council from a resourcing viewpoint, but the cost of this responsibility is minor in the context of protecting the future character of the municipality. It is an essential responsibility in ensuring the ecologically sustainable development of Kingborough. Individual landowners and developers rarely have the breadth of understanding required when considering removal of trees, and Local Government is the only layer of government that can or will ensure that natural values are taken into consideration at the scale of individual trees. I strongly urge Kingborough Council not to remove part 7 of the environmental By-law, now or at any time in the future. It would be an abrogation of Council's responsibilities in meeting the Sustainable Development Objectives of Tasmania's Resource Management and Planning System.</p>	<p>Noted</p>

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151	<p>I refer to Council's recent advertisement of its intention to amend the Biodiversity Policy By-law (Part 7 - Trees on Private Property). Under the proposal, the Health and Environmental Services By-law would be amended to remove from the By-law Part 7 Section 25, Removal of Trees on Private Property. The current Kingborough Biodiversity Offset Policy document 6.10 would therefore become inoperative.</p> <p>I hereby register my support of the proposed amendment. From my previous experience with the operation of this By-law, I consider it to be an unnecessary and unjustified impediment to sustainable development within the Municipality. I can't find any legislative authority within the Local Government (Miscellaneous Provisions) Act 1993 or the Land Use and Planning Approvals Act 1993 for its implementation. There have been instances that I know of where there has been considerable opposition to the current By-law. I therefore recommend deletion of the By-law by Council Minute.</p>	Noted
152	<p>I was concerned to learn that the council proposes to remove Part 7 of the current Environmental by-laws which currently gives protection to trees on private property. Your website gives the reason for this as "Governed via the Kingborough Interim Planning Scheme 2015", but I cannot find what protection this gives to trees, and specifically whether the protection is at least as great as the current by-laws. Trees form a critical part of our environment, and although some compromises obviously need to be made on building sites, it is important that trees (and particularly those that are on the significant tree register) be given the strongest protection possible. I am already aware of people cutting down trees behind the council's back despite the existing by-laws and any weakening of regulations will only exacerbate the problem. Unless the council could give assurances that the protection under the Interim Planning Scheme is at least as strong as the current by-laws, I would strongly oppose those by-laws being changed.</p>	Noted
153	<p>I wish to object really strongly to the deletion of section 7 (Trees on Private Property) from the Council's new Environment Bylaw. I am absolutely appalled at such a proposal, which flies in the evidence of all the benefits of maintaining trees in the environment, especially in suburbs like ours where there is already a substantial removal of trees, even under the old regulations. Where is our clean, green Kingston going?</p> <p>It is vital that we work to keep as many trees as possible in our built environment, for aesthetic, health and environmental reasons. Studies show the benefits to animal, especially bird life, even to children's learning capacity, to improving air quality, to people's sense of well-being and pleasure in their environment.....The value of trees in the suburbs is so well documented that there is little need to reiterate the many benefits. It</p>	Noted

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	is a delinquent action to remove Council support for maintaining whatever trees we can keep in our environment. Please reconsider the proposed amendments or at least vote them out.	
154	<p>I'm writing to voice my concern, like many, about your proposal to scrap by-law 7, completely removing protection of trees of outstanding value to biodiversity. This can only result in more loss of wildlife and natural habitat. Loss of biodiversity is irreversible!!!! I am wondering what the rational is for this? What future is there for us, our children? The fact is we need to stop trashing our planet, and this starts in our own back yard. More and more resorts are not going to give our kids or anyone else (except developers) great quality of life. Climate change is making its presence felt. We will soon be at the point of no return. We need to make positive changes now. This had been spelled out by experts and scientists all over the world, for years but it seems we prefer to close our eyes, and carry on as if everything is OK, knowing full well it's not. 'What on earth are we doing here, for heavens sake?! 15 penalty units is clearly not a sufficiently large enough penalty enough to deter many people removing trees they don't want. I know people are removing trees on private property without permission or reprimand. One person in Tarooma didn't like the leaf litter on their deck so reduced the height of two beautiful white gums, then shortly after that, cut them right down, saying 'once they're gone, no-one will remember they were there'. Well I do remember. A load of beauty and habitat for native creatures gone forever, removed by someone who doesn't understand the impact of his actions. Why are many of you keen to scrap such an important by-law? Why aren't you fighting to protect the environment and your children? Why are we allowing rich developers to destroy the very best of Tasmania, the natural world, that many people want to see. Not another expensive resort perched on a mountain, desecrating an area of incredible beauty and biodiversity. Its seems that most people clearly don't understand what biodiversity is and that their, our, our children's future depends on it. We are creatures of habit in many ways, but not set in stone. It's time we gave ourselves a good hard shake now, and put our minds to finding solutions and meaning in life. DESTRUCTION OF BIODIVERSITY MEANS IT'S LOST FOREVER How do we explain this to our children. 'Gee, we're sorry kids, we were too busy?!'</p>	Noted
155	<p>We strongly disagree with the removal of Environment by- law part 7. If trees are allowed to be removed from private property by developers without any regard to their significance it could lead to more widespread land clearance than is happening already.Land clearance as we all know is contributing to global warming and every tree removed makes a small difference.When a tree is placed on The Tree of Significance</p>	Noted

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	<p>Register it should mean that it cannot be removed unless it is causing a danger. We have been losing tree cover at an alarming rate,as more and more land is given over to housing,so every tree is becoming more and more important.We hereby make our submission.</p>	
<p>156</p>	<p>I write to add my name to the many residents who are deeply concerned about the proposal to remove Part 7 of the Environmental By-Law that relates to the protection of significant and large trees on private land. This is a disturbing proposal and needs to be squashed immediately because:</p> <ul style="list-style-type: none"> • trees are vital for our environment particularly for the care and protection of wildlife as well as the pleasure of living in this attractive municipality. • trees help control ground water, provide shade, and clean toxic road related chemicals from the air. • trees soften and enhance suburban vistas. <p>Kingborough must not be turned into a high density dormitory suburb. Landowners should be made responsible for the care and attention of the large trees on their property as part of the vital stewardship of owning land.</p> <p>Get-rich-quick developers who purchase land to erect high density unit living need to be controlled. Owning land with significant trees has responsibilities. Kingborough has disturbing storm water problems as so many properties now have been over-developed. Roofs and concrete driveways cover the largest percentage of many blocks with little or no provision to soak up storm water. Excess storm water is polluting our river and beaches. I am fully opposed to the removal of Part 7 of the Environmental By-Law.</p>	<p>Noted</p>
<p>157</p>	<p>I wish to write to regarding my concern for the proposal of removing legislature that protects trees. It is the very nature of this municipality with its big trees has led many of us here. Developers are renowned for knocking trees down and seeking forgiveness afterward, and then property owners will further demolish trees given no framework to work within. In this era it is in fact primitive to consider not protecting these valuable assets..... for the habitats they offer our fauna, for biodiversity, for the carbon accounting etc. And even for the sheer aesthetics of having some decent natural aspects for our imposed environment. Spring Farm has made a reasonable effort to retain some lovely copses of eucalypts and seems to have some portion of open space allocated... but I would be dubious if there is a formula in use for open space, park area etc. Our previous acreage did have such stipulations on the developers to allocate a percentage of land be retained. This needs to occur consistently throughout the municipality. May I also ask for much closer care and working with developers so that new subdivisions must have a certain level of open space</p>	<p>Noted</p>

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	<p>and also have some linked walkways . It appears this was not even considered until it was way too late for the Bonnie Vale subdivision which has no open space left, little mature vegetation retained – and no walkways between cul de sacs etc for walking purposes. PLEASE PLEASE do not remove this by law. As this area is amidst development after development, it needs to be remain difficult to cull with such ease. Applications need to be made, permits provided and every effort to retain vegetation to provide corridors for birdlife and wildlife.</p>	
<p>158</p>	<p>I am writing to lodge my strong personal concerns at the proposed removal of Part 7 from the current Health and Environmental Services By-Law, for the following reasons:</p> <ol style="list-style-type: none"> 1. In general, I believe this change will remove important regulatory aspects that currently provide some degree of environmental protection for high conservation value trees and trees considered significant across our Kingborough community. This decision is apparently based on legal advice. But given the complexity of the documents and the potential negative outcomes across our municipality from these changes, I would strongly support Council seeking a second legal opinion, and also canvassing the approaches of other municipalities to what must be a shared problem. 2. With widespread reduction of much of Kingborough’s urban greenery through broad-scale subdivision and infill of established suburbs, it’s vital that adequate and strong options continue for protection of our the trees in our urban environment. Even more so, now that IPD4 gives additional opportunity for tree removal and larger areas of concreted surface on general residential blocks. 3. It concerns me greatly that if the proposed By-law is adopted, Council will not have an appropriate regulatory framework for exempt and NPR vegetation removal. And as also stated in Council’s FAQ document on this matter, in the event that Part 7 is removed, the removal of high conservation value trees and some trees listed on the Significant Tree Register will no longer be regulated. 4. In addition, as there is a time gap between when a tree is listed on the Significant Tree Register in accordance with Council Policy and the planning scheme being amended to include this tree in Table E24.1, the removal of Part 7 could see trees listed on the Register but not yet listed in Table E24.1 removed without any permit requirements. 5. Reliance on the cumbersome and totally ineffective process of the Significant Tree Register appears fraught, and provides no confidence to me as to its part in any meaningful future tree protection. Cumbersome: because Council’s Strategic Planner has previously advised a time gap of up to 12 months to get a Significant Tree registered in the planning scheme. 	<p>Noted</p>

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	<p>Ineffective: from my personal experience, where my nominations of 3 significant trees in mid 2019 have still not even progressed to assessment stage - by a panel as-yet-to-be convened! As well, as of February 2019, a total of only 43 trees plus 2 groups of Italian Poplars on the outskirts of Margate were on the Significant Tree Register across ALL of Kingborough!</p> <p>This totally reinforces the ineffectiveness of this tool for tree protection in our municipality, and the almost zero care factor shown by Council to encourage nomination and subsequent progression to this register through a flawed and under-resourced process.</p> <p>6. Once the new Tasmanian Planning Scheme and LPSs come into effect, Council's FAQ sheet says the urban-type zones will no longer have tree provisions for most of Kingborough, the ability to require offsets for tree removal will become unclear, and exemptions will also increase. All very unsatisfactory.</p> <p>7. As well, inappropriate tree removal is at odds with the implementation of Council's Climate Change policies, where shade and canopy cover will become more important in a warming climate, and in neighbourhoods getting hotter from the increased hard surface coverage resulting from the application of IPD4.</p> <p>For all of these reasons, I believe removing Part 7 from the proposed new Health and Environmental Services bylaw is unacceptable and needs further analysis, so as we can best retain what's left of the amenity provided by green leafy surrounds and trees of significance to the wider community. I urge Councillors to vote against the Part 7 changes proposed within this by-law until better alternative processes can be found to maintain Kingborough's liveability and a beautiful place where people want to live.</p>	
159	<p>On behalf of the Hobart Group of the Australian Plants Society (APS Hobart Inc.)We are concerned about the proposal by Kingborough Council to remove Part 7 of the current Environment By-Law which exists to protect trees of high conservation value on private land. Part 7 of this By-Law prevents developers in Kingborough from removing or damaging high conservation value trees and trees that are on the Significant Tree Register without a permit and, when a permit is granted, Part 7 requires developers to pay a financial contribution to offset the loss of biodiversity. It appears that if Part 7 of the By-Law is removed developers and private landholders would be allowed to clear private land with no requirement to replace lost trees and vegetation, or repair damage, or compensate for any loss of biodiversity.Kingborough Council was once the leader in incorporating biodiversity principles and practices in it's planning regime and was way ahead of other Tasmanian councils in raising funds for biodiversity conservation works across the municipality. The United Nations current Environment Programmes relating to global warming strongly recommend</p>	Noted

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	<p>introducing or retaining vegetative green cover within urban and suburban environments in order to contain heat build up and the potential for loss of life from extreme heat-waves. On an economic level, trees and vegetation can greatly help to cool footpaths, streets, buildings and reduce the need to constantly use energy-guzzling air conditioners and the needless generation of extra electricity. Since the year 2000 some 140,000 deaths have been associated with heat-waves in Europe alone. The Australian Plant Society exists to promote, protect and preserve Australian plants and we call upon you, Kingborough councillors, to at least maintain the current protections for trees on private land and indeed strengthen the current protections by voting against the amendment that proposes to remove Part 7 from the Environmental By-Law.</p>	
<p>160</p>	<p>We are writing to request further information about the current By-Laws proposal to remove By-Law 7 relating to Trees on Private Property. Can you please confirm if the intent of this proposal is consistent with advice from council staff, or not? Can you also advise us as to who, or which organisations, are pushing Council to have the By-Law abolished and for what reasons? Can you please also inform us if there is to be some sort of alternative to By-Law No. 7 or will other government departments and developers just be granted carte-blanche and total control over what happens on private land throughout the municipality without any recourse available to the people who actually make up the living heart of the Kingborough municipality? We've lived in this beautiful municipality for 33 years, educated our child here, bought, built and sold 3 houses, ran two businesses and worked for another and have always been satisfied our local Council had our wellbeing, welfare and our environmental wellbeing and welfare at the forefront of their policies. Sound transparent development principles, always balanced with the surrounding environment and with appropriate sensitive developments. Given the record of developments over the years it is clear that the current By-Law No. 7 did act as a small deterrent to over zealous developers simply clear-felling and burning when they could get away with it. With no Environment By-Law 7 what's to stop them doing this? We believe it is incumbent on you as council to maintain the current protections for trees on private land if not in fact strengthen them further and vote against this proposal to remove Environment By-Law 7.</p>	<p>Noted</p>
<p>161</p>	<p>The Friends of Peter Murrell Reserves wish to voice their strong concerns regarding the proposal to remove Part 7: Trees on Private Property from the Environment By-Law. This proposed change sends a worrying message about how trees are valued by our Council. Even single trees in an urban landscape represent important wildlife habitat, especially if they are large, mature trees. Studies show that such trees provide nesting hollows, roosting sites and food resources for a wide variety of animal life, while the bark and debris</p>	<p>Noted</p>

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	<p>that accumulates below them provides habitat for terrestrial fauna. Even single trees represent vital 'stop-over' sites for birds moving or migrating through the landscape. This is particularly important for the threatened and endangered species that occur in Kingborough. For example, Forty-Spotted Pardalotes have been recorded along Roslyn Avenue, while Swift Parrots have been seen feeding in large mature blue gums along the track to Boronia Beach. At the broader scale, in these days of accelerating climate change, trees contribute to urban cooling, reduce stormwater runoff, improve air quality, and sequester carbon. Every tree is valuable and should be valued! The majority of Kingborough's residents appreciate the natural values of the community in which they have chosen to live. Rather than removing Part 7 of this By-Law, Council should be encouraging people to plant suitably sized native trees on their properties. Thank you for considering our submission</p>	
162	<p>I agree that part 7 should be removed, as a land owner in Kingston I have read the proposal and agree it should be removed.</p>	Noted
163	<p>I am writing to express my disapproval of the removal of any and all regulations about trees on private land, which is being proposed in the changes to the environment by-law. The present Section 7 is to be excised completely but it ought to be replaced by stronger regulations. The character of Kingborough is being radically altered by the large number of multi dwelling developments which are currently receiving planning approval, or about to receive such approval. The current minimum regulations in Section 7 at least protect significant trees, as defined by the act at present. They also fine anyone who does damage to large trees. In my view, this fine should be increased, not removed altogether. Developers ought to be compelled to incorporate large trees in their landscaping, in order to minimise the effect on the cityscape, birdlife and shade aspects of the dwellings themselves. Large trees also store a great deal of carbon which is an important aspect of minimising climate change. When a large tree is replaced by a sapling, it can take twenty years before that sapling stores more carbon than it produces. How counter productive is that, when we should be doing everything we can to reduce carbon in the atmosphere, to minimise the effects of climate change.</p>	Noted
164	<p>I am writing regarding the proposed changes to the Health and Environment By-Law Part 7- 25 'trees on private property'. As a resident of Kingborough, I am concerned that the proposal to remove the requirement for trees over 80cm in circumference or over 1.5 meters in height, or a tree that is listed on the significant tree register to no longer require council approval to be removed would be detrimental to our</p>	Noted

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	environment, wildlife, and protection of our green leafy communities. Your consideration of my request for the Health and Environmental Services By-Law Part 7 - 25 to remain is appreciated.	
165	<p>I wish to express my concern that Council is proposing to delete Part 7 of Kingborough Council's Environmental By-law, and thus remove the requirement to apply for the removal of trees on private land. I understand that EXEMPTIONS WILL INCREASE, thus making it easier to clear land under the coming Statewide Planning Scheme (SPS) and that our by-law will become invalid. We all know that the SPS is designed to 'remove red and green tape' for developers to enable them to maximise their profit at the expense of the environment and the community. Just look at the rooftop suburbia created by Spring Farm, Whitewater Creek and soon Huntingfield - they are ugly because there is no significant green space within them, with no beautiful native vegetation to soften them. Parts of Kingborough are still beautiful, but uglification is proceeding apace and we are rapidly losing the character that makes our municipality desirable and ecologically sustainable. My new neighbours have cleared their 'Environmental Living Zone' block at 418 Brightwater Road of all but five trees, landscaping with bulldozers, gravel and grass. They have a nice water view - otherwise they probably would have preferred a suburban environment like Spring Farm. The white-faced herons that nested there for years are gone because their home tree is gone. Birds and wildlife are rapidly diminishing. We are losing our biodiversity at an alarming rate. My neighbours have told me that they are going to ask Council to remove the big gum trees on the road verge (Council land), and say that all they have to do is claim that they are dangerous...many of the larger trees along Brightwater and Howden Roads are disappearing. Many large trees were removed at 111 Howden Road and the landowner's continual removal of understorey and vegetation through burning has all but destroyed his land. I hope that Kingborough Council is going to fight to maintain oversight and enforcement of the permit process people are meant to use when they want to remove trees from their land. The long-term effects of loss of biodiversity and climate change are still poorly understood and we should minimise loss wherever possible. Council must fight to protect the future character of the municipality. It is an essential responsibility of Council to ensure the ecologically sustainable development of Kingborough. Individual landowners and developers act only in their immediate interest when considering removal of trees, and Local Government is the only layer of government that can or will ensure that natural values are taken into consideration at the scale of individual trees. I strongly urge Kingborough Council to find a way to continue to protect our trees and landscape in order to meet the sustainable development objectives of Tasmania's Resource Management and Planning System, which is meant to provide the underpinning for the new Statewide</p>	Noted

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	Planning Scheme. Do not let the SPS make Kingborough Council irrelevant, powerless and ineffective in protecting the character of Kingborough Municipality.	
166	<p>I write on behalf of the Bruny Island Environment Network (BIEN) in my role as Treasurer. We refer to the intent to remove Part 7 from the Health and Environmental Services by law. After discussion within BIEN we have formed the following opinions</p> <ol style="list-style-type: none"> 1. It is difficult to resolve exactly what the issue is that has led to this decision 2. Because of this and because of the lack of easily understood detail, it is difficult to estimate what potential impacts the removal of Part 7 may have 3. If we are reading the changes correctly, it looks as though existing provisions will remain for trees affected by regulated development under the Planning Scheme, but not where trees are considered either exempt or no permit required (NPR) (or listed in the significant tree register, but not yet in the relevant planning scheme code) 4. We are of the firm opinion that protection of 'significant trees' and 'high conservation value trees" from clearance is needed and important 5. If the current regulatory framework does not provide this protection, then prior to dismembering the framework, another approach should be introduced 6. We also support the use of 'offsets' as a means of compensating UNAVOIDABLE biodiversity loss 7. We understand that progress is being made towards a new planning scheme based on the new Tasmanian Planning Scheme. 8. Again, we are of the firm opinion that equal or better provisions should be enacted with this new scheme, including an effective offsets regime 	Noted
167	<p>As a resident of the Kingborough I do not support the Council on the removal of part 7 of the Environment By-Law where trees currently need approval for removal if they are over 80cm in diameter or significant species. Removal of part 7 – Trees on private property (of the current Environmental By-law). The reason I oppose this is that it is important for the municipality's future to easier trees of high conservation and environmental value are assessed to ensure that they are not unnecessarily removed. One of the things that makes Tasmania and Kingborough the great place it is is the retention of trees and native environment. Secondly I want to formally condone the terminology REDACTED use of language in the officer's response in relation to the public use of power points. Mothers are not the only individuals who care for their children</p>	<p>Noted.</p> <p>The secondary comment is in relation to a matter that does not relate to the By-law consultation.</p>

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	<p>and as such is not considered as socially appropriate. It is not just a parent's responsibility to care for a child and the use of language is outdated and sexist. Considering recent events maybe it is time for some general training of both staff and councillors. As someone who has had spent time being raised by her grandparents, being a single parent myself, someone who has an uncle that has been adopted into the family as well as another who has permanent care of two foster children I am well aware every family is different and sometimes parents aren't the primary career of a child or someone else may be helping care for a child. I respectfully ask the council considering creating guidelines for alternative language that is inclusive of all individuals, enabling all families and individuals feel like valuable members of our community. We are a diverse and vibrant community and we should celebrate that in the language and terminology; that we use and accept.</p>	
<p>168</p>	<p>I do think it would improve some people's lives to be able to remove big trees (one I can think of at Kingston Beach where it blocks sun from the north for instance). Generally though I'm against loosening the requirements to remove trees. I wouldn't object if council (and state and federal government) we're engaged in massive tree planting to cool roads and suburbs, help with carbon in the atmosphere, as well as just making places more beautiful. Until they are making it easier to kill trees is simply a dreadful idea.</p>	<p>Noted</p>
<p>169</p>	<p>I strongly oppose the weakening of protection for large trees in the Kingborough municipality! I have recently witnessed the removal of mature trees for no apparent reason and I fear that that would greatly increase if the by-laws are amended to lessen their protection. Please retain the current protection and do not pass the proposed amendment!</p>	<p>Noted</p>
<p>170</p>	<p>I was deeply concerned to hear about the proposed removal of bylaws protecting trees over 80cm dbh on private property. I choose to be a resident of Kingborough because I believe this council is very forward thinking and environmentally responsible. This proposition seems starkly in contrast with the strong policy achievements that Kingborough has been a leader in. Not only are large trees an increasingly scarce resource in the lives of suburban residents around the world - reason enough that they should be protected and something that importantly sets Kingborough apart - but trees over 80cm dbh are highly likely to bear hollows. We know that this means they are significant habitat, any decision against that is willing and unnecessary destruction when alternatives paths for development can often be found. A decision against</p>	<p>Noted</p>

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	protection is a clear choice in the wrong direction. Thank you and I hope you will put our natural heritage before reckless forms of development which benefit the few, not the many.	
171	I'm writing to express my objection to the removal of the need to get a permit for the removal of trees of high conservation value and heritage trees on private property. The size of the trees in question put in danger the food source of some of our critically endangered birds (swift parrot for example) as well as other birds and wildlife using these trees for food, nesting and shelter. For a council with Green Credentials this is unconscionable. I can understand you are wanting to simplify but surely a check with council to see if there is a need for a permit and then, if required, a permit application is not an onerous task. The current process does not prevent the removal altogether, so I can only question the motivation behind the total sweeping aside of any protective role by council. Also included in this sweeping aside of any role of the council in the protection of our tree'd environment is the removal of offset requirements for developers. The fast tracked planning processes of our State Government will not give adequate protection. I note that the alleged process of protection of listed heritage trees will only protect what's on the existing list. Trees that are in the process of being listed can simply be cut down - no questions asked. What does this mean for the future as more land is required for development? Kingborough council was one of the first to recognise the impacts of climate change which is admirable and something for which we are proud of our council. As global heating progresses, we are going to need more tree cover, not less. I believe our council has a role in ensuring we do not lose high value conservation trees or heritage trees unless there is an unavoidable need for this such as a danger in urban areas. In rural areas there are already exemptions in place for agriculture. Allowing developers to just scrape an area bare is totally against any green credentials the council has built up. Please don't remove protection of high conservation species trees or heritage trees.	Noted
172	I wish to express my deep concern over the proposed amendment to Kingborough's Environment By laws as they relate to reducing regulation of tree removal. I consider that the current processes under which council approval is needed before removing trees are totally appropriate. Over recent years significant areas of large trees have been removed to allow for urban subdivision, the subdivision approvals appear to require minimal vegetation retention (as evidenced by the Spring Farm and Whitewater subdivisions) and very few trees are being planted in new housing areas due to small lot sizes. This has major implications for native bird and animal life as our municipality sits on the fringe of rural areas and there is continuous encroachment on rural and forested land. We have had cause to use the current process to seek approval	Noted

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	<p>for tree lopping on our land and found the approach by council very straightforward and quick; the advice was clear and provided in a very positive way. I have read the FAQs and regrettably find them very complex hence not entirely clear on tree removal processes going forward. At this point I would object to any changes on the Environment By Law to reduce the risk of vegetation loss and advocate for more rigorous processes on approval for tree removal.</p>	
<p>173</p>	<p>I am writing to express my disapproval of this intention. Already every week trees are cut down without consent from council and land owners face few consequences. I cannot imagine why council would seek to change the by-law and open Kingborough up to even more indiscriminate felling of significant trees which provide habitat for dwindling species already under significant threat. Is this yet another push from developers to remove impediments to even more subdivision of precious land? Council has a history of refusing consent for a single tree on private property that is overshadowing a dwelling to be lopped yet allow clear felling of entire subdivisions. I do not need to remind you of where this is occurring as you know full well already. Without hope, and long term resident of Kingborough.</p>	<p>Noted</p>
<p>174</p>	<p>Birdlife Tasmania wishes to register its opposition to the omission of Part 7 of Kingborough's current Health and Environmental Services By-law, which regulates the removal of trees, from the proposed new Health and Environment Services By-law No. 2 2021. Trees, and the birds that rely on them, are part of the identity of Kingborough. Council has recognised the importance of trees by establishing its register of significant trees and identifying and protecting trees of high conservation value. Kingborough hosts a number of threatened species of birds including the Swift Parrot, Forty-spotted Pardalote, Grey Goshawk, Wedge-tailed Eagle, White-bellied Sea Eagle and Masked Owl. The survival of these threatened species, in some cases identified as Critically Endangered under State and Federal legislations, is utterly dependent on the persistence of feeding and nesting habitats, ie large trees. Much of the Municipality, including urban areas, still supports populations of many native and endemic birds. The progressive erosion of large trees from the urban areas of Kingborough, as is likely to happen without the current Part 7 in the new By-law, will remove important habitat for birds, impacting local and regional biodiversity, impose additional pressures on existing Threatened Species when their populations are already under significant threats, and reduce the amenity for residents. The rationale for omitting Part 7 of the current By-law seems to be that provisions regulating tree removal are contained in the Kingborough Interim Planning Scheme 2015 (KIPS). But the "Part 7 Frequently Asked Questions" on Council's web-site makes it clear that the provisions of the KIPS are</p>	<p>Noted</p>

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	<p>less rigorous than Part 7 of the current By-law and that there are loopholes relating to Significant Trees. However, what is or isn't in the KIPS will soon be irrelevant as it will be replaced by the Tasmanian Planning Scheme (TPS). The information provided in the "Part 7 Frequently Asked Questions" makes it abundantly clear that "... under the LPS the urban-type zones will no longer have tree provisions for most of Kingborough." Provisions covering the rest of the municipality will also be weakened under the TPS. The implication of the TPS is that trees are not important in urban areas, when in fact, it is the exact opposite. When an urban area is developed, most trees are immediately cleared for housing or infrastructure: those that escape this fate become all the more important both as habitat and corridors for birds and the amenity, mental health and overall well-being of the community. It is important that trees that have taken decades to grow (and in some cases, more than a century) are not cut down on the whim of a landowner without good reason. Once gone, there is no going back: it is essential that there are checks and balances in place to ensure that urban trees are removed only where absolutely necessary. Large trees can take a century or more to be replaced, and our Threatened Species don't have the luxury of such delays. BirdLife Tasmania believe that it is essential that the proposed Health and Environment Services By-law No. 2 2021 be rejected, and a revised By-law prepared which includes Part 7 of the current By-law to regulate tree removal in urban areas. I look forward to your reply.</p>	
175	<p>I don't think part 7 should be removed from the Environmental by law. Large older trees are a very important part of native bird habitat. Kingborough has very weak laws around loss of habitat. It allows ugly housing subdivisions to spring up leaving no habitat in their wake. This constantly surprises me when we all know better!! I am fortunate enough to own a property on Bruny Island where I find almost all endemic species in my garden. At my Kingston house it's a different story. It is swarming with introduced bird species and very few endemics. In this time of global warming we must conserve and restore not chop chop chop!</p>	Noted
176	<p>I'm extremely worried about the proposed changes to Part 7 of the Environment By-Laws and reject those changes which were put in place to protect large and significant trees and the species including us humans, that rely on them for their survival. I love those large and beautiful trees at the roundabout by the Fork in the Road and Antarctic Division and other remnant large trees and hate the thought that they will be easily got rid of by the dismissal and changes to Part 7 of the Environment By-Laws.</p>	Noted
177	<p>I would like to voice my objection to removal of part 7 of the Environmental By-Law relating to trees over 80 cm diameter or significant species. I believe that protection of such trees represents responsible</p>	Noted

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	<p>stewardship of the surroundings we have inherited and will pass to the next generations by preservation of habitat and irreplaceable flora, preservation of a landscape which I and many others value and which is the reason why many of us live here or visit, preservation of organisms contributing to removal of CO2 from the atmosphere, and preservation of a visual template to encourage the protection, planting and protection of other species; I would posit that a denuded landscape becomes an unconscious norm which then affects behaviour, leading to decisions to remove other flora which otherwise may not have been made. We are an imitative species. I believe we are living at a critical time with regards to learning to respect and preserve our flora and fauna and putting that learning into practice. I believe that there are deep health and wellbeing values in living with our large trees among us, representing slow growth and continuity across generations of people at a time when we are experiencing great insecurity deriving from the rapidity of change and disposal of many aspects of our surroundings. By making preservation of our oldest and largest trees and trees of significant species a priority, necessity presumably leads to discovery of alternative ways to build and live with and around them. Thank you for the opportunity to participate in this process.</p>	
<p>178</p>	<p>I am informed that Kingborough Council is considering a change to the Health and Environmental Services by-law that, inter alia, would permit landholders to remove trees without permission such as is currently required, and that the consequence of such change will be loss of significant and other large trees in the Kingborough municipality. I oppose this change, which is clearly inconsistent with the Council's strategic plan as it does not 'sustain the natural environment'. The conflict with the Council's strategic plan will be immediately apparent if Council were to estimate how many trees could be removed in consequence of this change. It may not be envisaged that the number would be large, but the point is that Council would be permitting a larger number in making a law. Would it allow the removal of 1,000?, 10,000?, 100,000?, 1,000,000? trees. Has Council estimated this number? Has Council envisaged what wholesale change to the landscape would be possible if this by-law were changed? Has Council estimated how many trees in the municipality would remain if landowners decided to remove all trees they would be permitted to fell? The proposed change is also inconsistent with a wider sense of our responsibility to future generations. Any tree already declared significant, or of substantial girth, is likely to have been standing when the property was purchased, and if the by-law is not changed, will likely still be standing when the property is sold. This places the landholder in a relationship to the trees as a custodian, not an owner who is free to deal with the trees as they might wish. It is a very major change to our understanding of our responsibilities as landowners to say that we in future we will have no responsibility to hand on the land to future owners in</p>	<p>Noted</p>

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	<p>much the same state as we purchased it, so far as major trees are concerned.</p> <p>Finally, I draw your attention to the recent landmark statement by the G7 leaders meeting in the UK, that 'The unprecedented and interdependent crises of climate change and biodiversity loss pose an existential threat to people, prosperity, security, and nature.' If this threat is to be averted, it will take action by every level of government in every land. It would be a serious backward step if Kingborough Council were to end the protection of the unknown number trees on private land in our area of responsibility.</p>	
179	<p>I could not be more disappointed after hearing your proposal to remove Part 7 of the Environment By-Law. Trees are an important part of the Kingborough community. They give us clean air to breathe and break up the ever growing concrete jungle. I strongly oppose this and think it would be a massive step backwards.</p>	Noted
180	<p>I would like to request that we keep this by-law which enables the Council to protect trees.</p>	Noted
181	<p>I wish to register my comments via this submission in relation to the proposed by-law changes in particular regarding the removal of Part 7 - Trees on Private Property. I would be very saddened and distressed if this part of the by-law was removed. Particularly after the removal of some very significant "high conservation value trees" that were removed in the creation of the Spring Farm subdivision. It would be reckless and careless for this Part 7 to be removed from the by laws. Therefore I register my disagreement to the removal of this by-law and my disappointment in the removal of this bylaw even being considered. The detrimental significance of the loss of these trees can not even begin to be measured as the impact of the removal won't be known for generations to come.</p>	Noted
182	<p>Thank you for accepting BirdLife Australia's comments to the proposed council by-laws after the comment period closed as discussed with REDACTED yesterday. We appreciate the opportunity to provide the following comments:</p> <p>BirdLife Australia has serious concerns that the removal of part 7 – Trees on private property of the current Environmental By-law (the By-law) would remove necessary regulation to protect native vegetation ecologically important for the Critically Endangered Swift Parrot (i.e. High conservation value trees).</p> <p>While it is our understanding that other regulatory frameworks including the Kingsborough Interim Planning Scheme (KIPS), Biodiversity Code and the Waterways and Coastal Protection Code require permits for</p>	Noted

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	<p>certain works for clearing vegetation they do not provide comprehensive regulation of tree removal, have limited application and include some exemptions.</p> <p>The protection of any tree that supports or has the potential to support Swift Parrots (either for breeding or feeding) is critically important for the conservation and recovery of the species (currently estimated to have a wild population less than 1000 individuals). Therefore, BirdLife Australia recommends that the Council retains Part 7 in the new by-law to maintain protection of native vegetation that will not otherwise be comprehensively regulated.</p> <p>Should you have any questions or require more information please let either REDACTED (cc'd) or myself know.</p>	
183	<p>It is astounding to think any council would make it easier to remove trees when everywhere you look there is scientific evidence that we desperately need more green canopy to cool our cities and residential zones. So sad.</p>	Noted
184	<p>I am writing to express my concern and opposition to the proposed removal of Part 7.</p> <ol style="list-style-type: none"> 1. The loss of the protections in Part 7 will have significant impacts on Kingborough's environment. I note that in Part 7 (2) it does not merely protect trees of high conservation value, and those on the Significant Tree Register, but all trees above a certain size. Kingborough has an outstanding natural environment although sadly we continue to lose individual trees and forest cover bit by bit. Throwing away any powers the Council has will affect amenity, not only for people but also all the mammals, birds, lizards, insects etc that rely on those trees. 2. In the discussions there has been reference to legal advice to the effect that when the Statewide Planning Scheme comes into effect, Part 7 will become invalid. I have some trouble with this assertion. Has there been formal independent legal advice sought by Council? If so, I would note that for every legal opinion there is another stating the opposite. I would suggest that it is bad policy to remove Part 7 until there has been a court decision. The powers Council has under Part 7 are too important. 	Noted

PROPOSED PARKS BY-LAW

Serial No.	Submission	Response
1	<p>Thank you for publishing the proposed By-Laws in today's Mercury. I don't know if Council has a policy on the erection of political signage on its land, but the proliferation of political graffiti (signs) on roadside verges during election periods needs some sort of control in my view. I have no objection to residents displaying such signage on their properties (subject to compliance with registered Body Corporate By-Laws) but I don't believe that Council should ever be seen to associate with any political candidates by tolerating the erection of signs on land that exists for community benefit and not for advancing particular candidate's careers. In my case I've been plagued for the last 18 years by political signage which appears on the council verge at the head of a driveway that I and three other residents use, thereby associating driveway users with a political view which we do not necessarily endorse. The driveway is not used by the neighbouring resident who arranged for the signs to be erected. The sign was removed following my representation to Council during the last state election, and I thank you for that. I also noticed that in the last state election some signs had to be relocated to allow mowing of verges and Council Land. That involved Council staff in unnecessary work to request sign relocation. I would appreciate if the proposed By-Law 3 could be varied to include a clear prohibition on political or election candidate signage on Council Land, with appropriate penalties imposed for breaches.</p>	<p>Election signage is managed pursuant to the Kingborough Interim Planning Scheme 2015. C.28 of the proposed by-law addresses this matter via permit.</p>
2	<p>Re items: 10 Planting or tending vegetation (1)A person must not on Council land, or recreational facility, plant any vegetation without a permit. Penalty: a fine not exceeding 10 penalty units. (2)The provisions of sub-clause (1)do not apply to any employee, contractor or authorised volunteer of or engaged by the Council to plant vegetation on that Council land who plants vegetation of the nature they are engaged by the Council to plant or a person planting within Council land in accordance with Council endorsed policy or guidelines. (3)For the purposes of this clause, "plant" includes:(a)any method of placing vegetation in or on the ground in a way that is likely to allow or induce the vegetation to survive or grow; and(b)propagating, husbanding, watering or otherwise tending to vegetation and : 12Protection of material (1)Unless authorised by a permit to do so, a person must not dig, cut or remove any material on or from any</p>	<p>The intent of clause 10 is to ensure appropriate access, amenity and management of Council land is maintained. Clause 10(2) advises that sub-clause 1 does not apply to a person planting within Council land in accordance with Council endorsed policy or guidelines. This allows landowners to appropriately attend to their nature strip etc.</p> <p>Clause 12 is controlled via the way of permit.</p>

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	<p>Council land or recreational facility. Penalty: Fine not exceeding 5 penalty units.</p> <p>(2)Unless authorised by a permit to do so, a person must not deposit, or place any material onto any Council land or recreational facility. Penalty: Fine not exceeding 5 penalty units.</p> <p>The above wording, as it is, prevents a landowner/occupier from attending to the care and maintenance of the nature-strip in front of their residence. The "strip" is Council land, but the resident is expected to maintain it because Council won't. Yet it attracts a fine. Or that is how it reads. There either needs to be a new definition, or a general permit that is stated, or Council needs to be doing a lot more work. While some "strips" are just natural grass, some are actually sown lawn, some have flowers and trees. Others are a mixture. When a resident takes the trouble to tend it, by way of mowing, weeding, removing dead foliage, pruning exuberant growth, removing dead tree limbs and the like, they should not be penalised.</p>	
<p style="text-align: center;">3</p>	<p>I would like to request 3 copies of kingborough by law changes 1 and 2. To be sent to my address Redacted After reading these document there are items that I consider need rectifying or changing or more explanation is needed Once I obtain copies of the requested document I can mark and explain my concerns and send back to council for discussion The comments about trouble and adverse behaviour at Kinston park and more patrols and action is good to hear ,pity other areas of bad behaviour around Kingston isn't included in an action plan to control these issues as well.</p>	<p>Noted. Information provided.</p>
<p style="text-align: center;">4</p>	<p>Below are my submissions around two of the proposed new by-laws. I thank you for the opportunity to comment, I hope my submission will be duly considered.</p> <p>HEALTH AND ENVIRONMENTAL SERVICES BY-LAW</p> <p>I ask that councillors consider in great detail the proposed removal of the current by-law Part 7- Clause 25 (High conservation value trees and trees on private property). I understand that it is thought that such trees will be protected under the interim planning scheme. I believe it is important to carefully scrutinise the removal of this law. Trees on private land still need to be protected. If there is no building work or development work being done on a piece of private land- who is protecting those trees? It is critical that Council maintain a level of authority when it comes to planning and conservation. In this case, they need this law. We are losing our trees at a rate of knots. They are integral in maintaining the character of Kingborough. We need to plan for our future, keep our carbon stores and freedom to breathe fresh air. I submit that there is a section added to Part 5 (Building site sanitation and waste management) which holds builders accountable for the waste they produce and their disposal of it. The amount of general rubbish</p>	<p>Refer to serial 2.</p>

PROPOSED PARKS BY-LAW

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	<p>that is found around building sites, on roads, in neighbouring properties is shameful and someone needs to be held accountable for it. (Out of interest- Sunview Project Homes is an example of extremely good, clean site management. If you want a benchmark for good management, Rob Woehler is the one to talk to.)</p> <p>PARKS, RECREATION AND NATURAL AREAS BY-LAW Division 2, Section 10- Planting or tending vegetation</p> <p>I submit that this is an unnecessary law that adds red tape where it really doesn't need it. In States all around Australia verge gardens are creating communities, assisting with food security and making use of 'dead' areas. For example...</p> <p>https://www.abc.net.au/news/2021-03-27/perth-verge-gardens-grow-community-as-well-as-plants/100026918 https://www.facebook.com/CostasWorld/posts/326763655481805</p> <p>We could be a local government area like these! How great it could be. Rather than creating a law that says 'Don't plant anything' how about we put plans and policy into place that allows for planting that can help communities? They may be edible verges, bird and bee attracting verges, traffic calming gardens - we could be creative! Let's not just shut it down before it starts...let your residents be creative, listen to ideas and encourage growth and community. Council already asks for people to help in maintaining our verges- let's not limit people to grass and lawn mowers...how boring. Be creative Kingborough- let's make headlines!</p> <p>Thank you for your time</p>	

PROPOSED ROADS BY-LAW

Serial No.	Submission	Response
1	<p>Thank you for publishing the proposed By-Laws in today's Mercury.</p> <p>I don't know if Council has a policy on the erection of political signage on its land, but the proliferation of political graffiti (signs) on roadside verges during election periods needs some sort of control in my view. I have no objection to residents displaying such signage on their properties (subject to compliance with registered Body Corporate By-Laws) but I don't believe that Council should ever be seen to associate with any political candidates by tolerating the erection of signs on land that exists for community benefit and not for advancing particular candidate's careers. In my case I've been plagued for the last 18 years by political signage which appears on the council verge at the head of a driveway that I and three other residents use, thereby associating driveway users with a political view which we do not necessarily endorse. The driveway is not used by the neighbouring resident who arranged for the signs to be erected. The sign was removed following my representation to Council during the last state election, and I thank you for that. I also noticed that in the last state election some signs had to be relocated to allow mowing of verges and Council Land. That involved Council staff in unnecessary work to request sign relocation. I would appreciate if the proposed By-Law 3 could be varied to include a clear prohibition on political or election candidate signage on Council Land, with appropriate penalties imposed for breaches.</p>	<p>Election signage is managed pursuant to the Kingborough Interim Planning Scheme 2015. C.20 of the proposed by-law addresses this matter via permit.</p>
2	<p>From the perspective of CBOS, the following suggested changes are provided for consideration. In the Health and Environmental Services By-Lay 2021, you could consider changing the definition of builder and building work by referring to the Building Act 2016 rather than a copy of those definitions. That way if the definitions are amended in the Act for some reason, the definitions would remain consistent without having to change the by-law again. In the Roads and Parking By-Law No 4 of 2021, you could consider the following changes:</p> <ul style="list-style-type: none"> • Add a new 11(2A) along the lines of 11(2), but to allow the owner of the premise associated with the nature strip to allow a visitor to, or tradesman working at, the premise to park on that nature strip • Add a new 20(4) similar to 20(3) along the lines of allowing builders and trades to display temporary signs associated with safe work practices while performing work at a premises. 	<p>Noted.</p> <p>It is taken that c.11(2) also includes to consented use of any contiguous nature strip.</p> <p>Table E17.1 Exempt Signs of the KIPS exempts sign type, Building Site Sign, relevant to a property where construction works are occurring. Signs on Roads will be managed via a permit process.</p>

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3	<p>Extracts from the proposed by-law are in bold, as opposed to the comments made.</p> <p>This By-Law of the Kingborough Council is made under section 145 of the Local Government Act 1993 for the purpose of regulating conduct on roads and parking areas in the Kingborough municipal area. There needs to be an explanation that the by-law only applies to Council owned or controlled roads, parking areas etc. and not those under private control.</p> <p>General:</p> <p>The whole by-law reads as if it was copied and pasted from those by-laws of a north of Sydney shire where the administrators have gone mad with power and the residents live in fear. Their infrastructure is newer, everything must be pristine and nothing that is practical and that makes sense can be done in front of the property line. Consequently, the populace is forced to move to another shire if they are unable to toe-the-line. In particular:</p> <p>Definitions:</p> <p>“footpath” means that part of the road reservation so constructed as to facilitate the movement of pedestrians;</p> <p>“nature strip” means all that part of the road reservation not constructed for the movement of vehicles or pedestrians.</p> <p>There needs to be a note here that acknowledges that not all nature strips are suitable for foot traffic either, particularly in wet weather. There also needs to be mention of the fact that some residential streets do not have footpaths.</p> <p>Parts:</p> <p>10Dismantling or repair of vehicles</p> <p>(1)Unless authorised by a permit to do so, a person must not dismantle, paint, or repair any vehicle on a road. Penalty: Fine not exceeding 5 penalty units.</p> <p>In some cases it is easier and quicker to make on-site repairs rather than take the trouble to move the vehicle to a repair site. To prepare a vehicle for removal may well cause more debris and surface soiling than repairing it where-is. Also, leaving a vehicle where it is for a few hours and then having it towed could cause less of a disturbance than having it removed straight away or as soon as can be arranged, due to the extra space/access needed by a tow vehicle.</p> <p>A 16 hour grace period should apply if the above scenario is indeed the case.</p>	<p>Noted.</p> <p>C. 3 provides for a definitions that confines the application of the By-law e.g. road, parking areas etc.</p> <p>C.10 is controlled via a permit process.</p> <p>C.11 – the intent of the By-law is to provide unimpeded access to roads for vehicles and otherwise. This process is managed via permit.</p> <p>C.16 – c.16(2) provides an appropriate exemption where an undertaking is in accordance with a Council endorsed policy or guideline.</p> <p>C.19 – the intent of this clause is to stop undue damage to Council infrastructure.</p> <p>C.36 only relates to a parking area where Council has erected signs to control the use of conveyances.</p>

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	<p>11 Parking on footpaths and nature strips (1) Unless authorised by a permit to do so, a person must not park a vehicle, including a trailer, whether attached to a motor vehicle or not, wholly or partly on or over a footpath, kerb, gutter or nature strip. Penalty: Fine not exceeding 3 penalty units. This part was obviously drafted fifty years ago and does not bear relevance to the times of 2021. Traffic density of today, combined with yesterday's road designs compels tradies and delivery teams</p>	
	<p>to come up with some very creative thinking. Any engineer that places services under a nature strip/kerb/footpath without suitable protection against traffic overhead is asking for trouble. (2) Notwithstanding sub-clause (1), a person is permitted to park on a nature strip if the person is the owner or occupier of a property that is contiguous with the nature strip and the vehicle when stopped does not unreasonably obstruct other road users. An explanation is required here in (2) that this means clearance for both vehicles on the formed road surface, plus a 1.5 metre wide pathway for pedestrians. To be parked part on the road, part on the strip is often the only practical solution where the road as designed is too narrow for today's traffic and level of vehicle ownership. An example: (Given that a car needs 2 metres and a truck needs 3 metres minimum for clearance). A real suburban street in Kingborough, straight as a die, with 7 metres between kerbs, cars parked as per above by-law on both sides and a truck can just get through. If one of the parked vehicles is a bit askew, or is a delivery truck or van, the street becomes blocked to full-sized trucks. If it should be that on one side there is a truck parked – removals van, plumber's truck, or whatever and on the other side there is a van delivering a new fridge, then not even a car can get past. Should there be an emergency mayhem is the result. At least one of the trucks has to put one side up on the nature strip. The above dimensional dilemma is a real one, but even worse as the street does not have any footpaths. Pedestrians walk on the road surface in preference to the grassed nature strips as they can be quite boggy, or just plain wet with longish grass. Allowing the owner of the property to park on the nature strip immediately in front means that they can then control the loading, and be responsible for any damage/depressions in the lawn. In any future constructions/re-constructions there should be a move to soft kerbing (sloping kerb walls as opposed to vertical) plus suitable base material in the nature strip, allowing the above. Vehicle ownership is a must given the Tasmanian terrain and impossibility of frequent and reachable public transport. Some forty years ago it was common for the children in a family to move out once they reached</p>	

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	<p>maturity. Rising housing costs have now made that much more costly. At-home children of forty years age is common. The Covid 19 situation has now made the situation even worse in Tasmania. Our housing costs outrank those of many mainland cities. Consequently, a house-hold of parents plus two adult children, now might have four vehicles. If one occupant is a “tradie” then there might also be a separate vehicle for that, plus possibly a trailer. Don’t forget the boat on its trailer too. All this on a site originally designed for just one or two vehicles. First to go is the front lawn, then the nature strip. Since Covid 19 arrived the caravan industry has experienced a threefold lift in demand for new vans, second-hand vans for sale are not easy to find. Storage sites are getting costly and scarce. Storage at home is often the only way. While putting them out front is not desirable, it might take more than a bit of cash and effort to get them stowed on the property sufficiently well.</p>	
	<p>Therefore, there is going to be a revised demand for bigger housing blocks- back to 700 sq. metres plus, and away from the 600sq. metres postage stamps.</p> <p>16Removal of vegetation(1)Unless authorised by a permit to do so, a person must not destroy, cut, pluck, remove, deface or injure any tree, shrub, flower or other vegetation growing on a road. Penalty: Fine not exceeding 5 penalty units.A property owner is responsible for any nature strip immediately in front of their property. This includes mowing, trimming, planting, removal of dead limbs and grass, watering and removing any items that are a danger to the pedestrians passing by. The Posties get rather irate if a suitable pathway is not maintained. Item 16(1) needs re-thinking.Also, what happens if there is a storm and a limb falls from a tree that was overhanging a road, or the tree itself falls? The land-owner from whence it fell is surely the one to clear the debris if possible in the first instance. It could just be a one handed lift, or even a drag. But the above wording seems to make it impossible. What if a dead tree falls at night, on a very necessary road? Is not the next motorist to come along allowed to pull it clear? I have been in exactly that situation, on an errand of mercy to get a relative to hospital because the ambulance response time was some hours away. The only alternative route was unreasonably longer.</p> <p>19Driving of vehicles over footpaths, kerbs and gutters (1)Unless authorised by a permit to do so, a person must not drive a vehicle or permit a vehicle to be driven over a footpath, kerb, gutter or nature strip of a road to or from any land or premises. Penalty: Fine not exceeding 5 penalty units.</p> <p>In item 11(2) there is the possibility of the owner parking on the strip if it is outside his/her property. But</p>	

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	<p>they had to get there somehow. That means they had to drive on the nature strip etc. As it is often the only way that deliveries can be made to a property, better to include after the word “premises” “other than in front of the property being accessed.” This is to again give the property owner the ability to get the work quickly done while being responsible to repair the damage in the lawn/grass. It also allows vehicle movement while minimising obstruction to other traffic. Again, new work should include soft kerbing as a matter of course, plus suitable substrate in the nature strips.</p> <p>36Use of skates and cycles (1)A person is not to ride a machine propelled by human power, which includes a skateboard, bicycle, scooter, in-line skates and roller skates, in a parking area during hours indicated by signs in that parking area. Penalty: Fine not exceeding 3penalty units.</p> <p>This item fails to take into account the fact that many such items are now the preferred methods of transport for all ages, for those distances too far to walk but not far enough for a car. This is because the devices can now be power assisted. – A bicycle with both pedals and motor, a scooter that can be foot propelled but with a motor, similarly a skateboard.</p>	
	<p>Consequently, the device is now the “go-to” method of transport. A trip to the shop, with a back-pack, is quick and easy. It saves fuel. It is often quicker than by car. It can be undertaken by those too young for a licence. It could also be a trip to the local library or Council Office. All in order here! Even a regular bicycle is preferred by many over a vehicle and deserves to be catered for. It takes less space, it uses no fuel, it keeps the rider fit and is also very convenient. While some items are barred from the road and others are banned in some instances from footpaths, the overall scene is changing. Much better to post signage to the car-park entry warning motorists to be alert for cyclists and other wheeled personal transport. That then includes the three-wheeled electric sit-on scooter that many of senior years are adopting. They can come with headlights, horn, storage compartments, a roof, a place for the dog and a walking stick holder. A purely recreational muck-about by children of junior age with no purpose in a place or understanding of road safety where others are driving full-sized vehicles at close quarters is to be curtailed however. The item 36(1) above needs a re-think and brought up to date with modern practice and expectations.</p>	